

International Human Rights Movement "World without Nazism"

THE WHITE PAPERS OF HATE

2012

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Introduction

White Papers of Hate is a fundamental research conducted by the International Human Rights Movement World Without Nazism in collaboration with Institute of Ethnology and Anthropology of the Russian Academy of Sciences and Berlin Research Centre on Anti-Semitism of the Technical University of Berlin (Germany). Research was based on the monitoring of manifestations of xenophobia, neo-Nazism and radical nationalism, conducted by HRM World Without Nazism across 18 European countries in 2012.

Research consists of an aggregate analysis of neo-Nazi and radical nationalist manifestations in relation to factors of social stability/instability in each country. Analysis involved the legal framework in the period of monitoring, law enforcement practices in regards to minorities, manifestations of racism and intolerance and their legal implications, level of xenophobia in the society, political programmes and activities of radical nationalist parties and groups, international factors, and many others. Such comprehensive comparative analysis over different countries has never been conducted before. Importantly, criteria for factors of stability involved such manifestations as glorification of Nazism and Nazi collaborators, and authorities' attitude towards the modern antifascist movement. We believe, that there is a direct link between the glorification of Nazism and the demands to revise the results of World War Two, as well as the attempts to revise post-war borders and the discrimination of minorities. As country glorifies its Nazi accomplices, it creates an image of an enemy in the face of the peoples that were persecuted or fought for the opposite side during that period.

The analysis of numerous factual materials yielded sufficiently subjective data, which allowed us to rank the radical national threat in Europe. Research was also aimed to identify the direction of social development in European countries in terms of radical nationalist (neo-Nazi) threats, and to develop appropriate recommendations on their elimination.

Based on this research, we can conclude that the level of these threats in substantially differentiated across Europe. It depends on several factors: economic situation in the country, level of globalisation and market attractiveness, and, above all, the labour market (inflows and outflows of migrant

workers); government's willingness to abandon the old unification (assimilation) policies towards its own, as well as "new," national minorities and satisfy their cultural, educational and religious interests; government's understanding of severity of the problem and its willingness to cooperate with civil society institutions in combating all manifestations of neo-Nazism and aggressive nationalism.

Although these factors are different in each country, we can already make a disappointing conclusion — radical nationalist tendencies occur in any, even the most prosperous, societies. In 2012, a radical right-wing party was established even in the democratic Albania, which until recently was perhaps the only country with no such parties. There are almost no countries in the Old World, where radical nationalists are not represented at least at the local legislative level, while a number of countries have radical nationalist factions in their parliaments. There are countries, where radical nationalists are part of the government coalition. Most unsettling is the fact that, following a certain trend in electoral sentiments, their slogans are picked up by the parties that traditionally were classified as democratic. In other words, radical nationalism has become part of our daily reality. In some places, this reality has long been annoying and unsafe; in some places, its approach is barely noticeable. However, it exists and it must be accounted for.

What is the threat to society? Our research indicates that the development of aggressive nationalist and neo-Nazi tendencies is fraught with significant deterioration of social stability, split in society along political, ethnic and even religious lines, civil unrest and international tensions. This cannot but affect the socio-economic development of the country, its investment attractiveness, and so on. But most importantly, sooner or later, these trends pose a direct threat to democracy, they lead to the curtailment of democratic procedures, to infringements on free speech, to massive violations of human rights.

The world has already experienced the Nazis' accession to power in Germany through democratic means. Let us not forget that during that period, nationalist regimes were brought to power in many other countries, through one way or another. We are all aware of the consequences of these events. We remember the quick erosion of democratic principles, inviolability of which, like today, was vowed by the political leaders of that time; how strongly the world tried to ignore the Holocaust and violations of basic human rights; how the interests of human morality were betrayed for the sake of short-term political interests.

History always repeats itself. The same conditions that helped bring Hitler to power several decades ago are being created in the world today. This includes the economic crisis, the desire of some countries to revise the results of World War Two, the problem of national minorities that was aggravated by the recent changes in Europe, problem of refugees, and more. The danger of this era is the fact that direct witnesses of that period are passing away, and youth did not experience all horrors of Nazism, while its awareness of that time often leads much to be desired.

Our common goal is to prevent the repetition of the past. This research is a joint contribution of antifascists and scientists from various countries towards this goal. This is the first such study conducted by HRM World Without Nazism. We intend to continue this tradition, and use the results of our monitoring for 2013, and, hopefully, the years to come, to publish new annual editions of “White Papers of Hate.” We are open for cooperation with all NGOs, international organisations and governments, who are interested in advancing this project.

*Boris Spiegel,
President, HRM “World Without Nazism”*

Research methodology

Research is based on the monitoring of neo-Nazism, radical nationalism and xenophobia conducted by the International Human Rights Movement “World Without Nazism” in 2012 in the European Union, as well as Russia, Ukraine and Moldova.

The aim of the analysis is to examine tendencies and development features of neo-Nazi and extreme right sentiments in various countries, formulate possible future scenarios of socio-political development and draw up recommendations on minimising the level of xenophobia and the radical nationalist threat.

Analysis was conducted in the following areas:

- Factors that influence the development of radical nationalism in certain countries.
- Factors that constraint and hinder the development of radical nationalism.
- Consequences that may have certain tendencies for social and political development of the country and the world as a whole.
- Possible solutions (recommendations) to relevant problems in the country.

Research used the technique of pooled analysis of criteria (indicators) that are used to determine the factors of stability/instability in society. According to this method, each factor of stability was assigned a fixed positive score, and each factor of instability was assigned a corresponding negative score. If a particular indicator is limited or partial in its effects on the social and political processes it was assigned a 50% score from the main indicator value. Thus, we were able to assess partial decisions or insignificant processes.

As a result, via simple arithmetic addition, we obtained an average score of radical nationalist threat level assigned to a particular country.

The following criteria for the factors of stability/instability were analysed:

STABILITY FACTORS

No.	CRITERIAS	SCORE
1	Legislation and law enforcement practise preventing the development of radical nationalism	
	Presence of anti-Nazi, anti-racist and anti-extremism legislation, legislation against incitement ethnic and religious hatred in the country	5
	Presence of anti-discrimination legislation	5
	Compliance of the authorities (central regional, municipal), the law enforcement and judiciary, with anti-Nazi, anti-racist and anti-extremist legislation. Compliance with anti-discriminatory legislation and legislation directed against the incitement of ethnic and religious hatred	5
	Responses to hate crime (criminal proceedings against organisers and participants, convictions)	5
2	Statements of influential politicians against xenophobia and radical nationalism	5
3	Activities aimed at promoting tolerance and preventing extremism	5
4	Immigrants' standing in the society, and society's attitude towards immigrants	
	Presence and improvement of immigration law	5
	Authorities' compliance with such legislation (law enforcement practice)	5
	Social welfare for immigrants	5
5	Presence, popularity and size of anti-fascist and anti-racist movements	
	Presence of anti-racist and anti-Nazi movements and parties	5
	Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations)	5
	Presence of anti-Nazi and anti-fascist civic initiatives	5

Table, cont.

No.	CRITERIAS	SCORE
6	International aspect	
	Participation of the monitored countries in the most significant international agreements on combating racism and discrimination	5
	Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period	5
	International statements and initiatives against discrimination, neo-Nazism and xenophobia made by the monitored countries and their leading politicians	5

INSTABILITY FACTORS

No.	CRITERIAS	SCORE
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	
	Discriminatory legislation affecting minorities of the monitored country in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5
	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin	-5
	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication	-5
	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5
2	Xenophobia and inflammatory statements of the authorities and the media	-5

Table, cont.

No.	CRITERIAS	SCORE
3	Unlawful use of anti-Nazi, anti-discrimination and anti-extremist legislation	-5
4	Immigrants' standing in the society, society's attitude towards immigrants	
	Discriminatory practices against immigrants	-5
	Use of the "ethic crime" topic in order to discriminate against immigrants	-5
	Negative attitudes towards immigrants, foreigners, different ethnic groups	-5
5	Incitement of religious and ethnic hatred	
	Calls for ethnic and religious hatred, including mass media and mass communication, graffiti	-5
	Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts	-5
6	Radical nationalist groups and parties	
	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities)	-5
	Discriminatory demands towards the minorities in programmes of these parties and in statements of their leaders	-5
	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations	-5
	Neo-Nazi and radical nationalist influence over the local legislative and executive bodies	-5
	Neo-Nazi and radical nationalist influence over the ruling party and the central legislative and executive bodies	-5

No.	CRITERIAS	SCORE
7	Extremist and radical nationalist public actions	
	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities	-5
	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities	-5
	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from legislative and executive bodies, law enforcement and security agencies	-5
	The presence of “football xenophobia” and racism amongst sports fans	-5
8	Racist attacks, violence and terror	
	Vandalism in cemeteries, attacks on religious buildings	-5
	Inter-ethnic clashes instigated by xenophobia and radical nationalism	-5
	Cases of racial, ethnic and religious violence	-5
	Cases of hate crime	-5
	Terrorist attacks on the basis of radical nationalism and religious fanaticism	-5
9	Glorification of German National Socialism and collaborators of Nazi Germany	
	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition	-5
	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to Wehrmacht soldiers and Nazi butchers	-5

No.	CRITERIAS	SCORE
	Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities	-5
	Historical revisionism, Holocaust denial	-5
10	Persecution of veterans and partisans of the anti-Hitler coalition	
	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as antifascists	-5
	Restrictions imposed by the authorities on human rights and antifascist organisations. Bans to entry or exit imposed on antifascists. Authorities' inaction	-5
	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and antifascists	-5

The above analysis suggests a **conclusion** that involves the following aspects:

1) Human rights

- *Guarantees against any form of minority discrimination;*
- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.);*
- *Differences between the rights and freedoms of the titular nation and ethnic minorities;*
- *Legislation enshrining inequality of minorities;*
- *Rulemaking in protection of minorities;*
- *Freedom of speech violation;*
- *Legislation and law enforcement practises concerning immigrants.*

2) State of the society

- *Violation of human rights and lack of equal rights, freedoms and opportunities for all national minorities residing in the country, leads to a reduction in opportunities for residents' self-realisation,*

split of society, exclusion of minorities from public processes, weakening of the state;

- *Identity — how manifestations of xenophobia and extremism affect the identity of minorities, as well as majority's identification of minorities (growth of social phobias).*

3) Socio-economic development of the country

Do manifestation of various forms of xenophobia and extremism affect the identity of minorities, as well as identification of minorities on the part of the majority (growth of social phobias):

- *Standard of living;*
- *Economic turmoil, instability;*
- *Decline in production growth, emigration of the labour force.*

4) Security and geopolitical stability in the region

- *Political stability in the country;*
- *Impact of xenophobia and extremism in the country on the issues of external security, on relations with third countries and the international security in the region as a whole.*

The analysis results in **recommendations** to authorities of the monitored countries on reducing xenophobia and radical-nationalist threat. These recommendations involve the following aspects:

- 1) General recommendations on the accession to international agreements and conventions.
- 2) General recommendations on adjustments to the legal framework.
- 3) General recommendations for the executive bodies on law enforcement and human rights.

In addition, the analysis is used to generate a **rating of xenophobia and radical nationalism**, which is retransmitted to the map of Europe.

ALBANIA

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

Indicators

- Discriminatory legislation affecting minorities residing in Albania in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

Par. 3 Art. 18 of the Constitution of Albania, which is aimed at prohibiting discrimination, contains an unusual clause about the possibility of “reasonable and objective reasons” for discrimination.¹

In late November 2011, the Constitutional Court ruled that the category of “ethnicity” will not be included in future acts of civil status and population census. While the exclusion of such a record in the civil status acts to essentially correspond to modern European standards for human rights, the purpose for the exclusion, where it is defined solely on the basis of respondent’s self-identification, is unclear. Experts thus believe that the Albanian authorities are seeking to “correct” these statistics and reduce the number of ethnic minorities to a minimum. As a result, ethnic minorities have actually lost the opportunity to prove their identity outside of the so-called “ethnic minority zones.”²

The Albanian Criminal Code lacks the provisions for defining racism and omits other prejudices as aggravating factors for a criminal motive. The European Commission against Racism and Intolerance have repeatedly encouraged Albania to introduce amendments to the Criminal Code that would class intolerance as an aggravating factor in the commission of a crime. Despite assurances from the Albanian government that courts will consider this factor when issuing a verdict,

it still remains that such a provision “contradicts the Albanian legal system.”³

- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

Such legislation was not present in Albania during the period of monitoring.

- Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.

Such legislation was not present in Albania during the period of monitoring.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health care, worship, etc.

In 2012, representatives of Greek and Macedonian minorities complained that there remain a number of settlements with a majority population of Greeks or Macedonians who are outside the “minority zones,” these having been established during the totalitarian regime of E. Hoxha (1944–1985). This scandal emerged during the late 2011 population census, where Greeks and Macedonians living outside such “minority zones” were forbidden from reporting an ethnicity different from the one specified in their passports and threatened with fines for non-compliance (during E. Hoxha’s regime, passports of ethnic minorities living beyond “minority zones” listed their nationality as “Albanian”).⁴

Albania is reported to have a discriminatory stance towards Roma and Balkan-Egyptian communities, members of which face discrimination in regards to accessing housing, employment, healthcare and education in 2012. There have additionally been cases of purported reluctance by schools to accept pupils of Roma origin.

Furthermore, numerous complaints about the eviction of Roma families from their homes without the provision of alternative housing continue to arise.⁵ On February 7, cases of discrimination against Roma in Tirana — capital of Albania — were reported with several dozens of people being evicted from their homes under the threat of immediate demolition.⁶ They are then subject to relocation to a former military base, equipped with the necessary infrastructure, including schools.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Discriminatory legislation affecting minorities residing in Albania in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5
-	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin	0
-	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication	0
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5
	Total for section 1	-10

2. Xenophobia and inflammatory statements by members of the authorities and media

Such statements were generally directed towards the projects of the so-called Great Albania, to which its supporters attribute the territory of Kosovo, and parts of Serbia, Montenegro, Macedonia and Greece, in addition to the Albanian lands.

President of Albania Bujar Nishani made a visit to Pristina on September 1–2, where under his own initiative, he held a meeting with the senior political representative of Albanians from South Serbia (Presevo, Bujanovac, Medvedja communities). The talks included the economic cooperation between Albania and south Serbian companies, as well as the addition of “Presevo Valley” representatives in the Belgrade-Pristina negotiation process. They also discussed strengthening Kosovo and Albanian official support for “Presevo Valley” separatists.⁷

Prime Minister Sali Berisha made a number of statements on the topic of “Great Albania.” In November 2012, he stated that part of Greece — namely the Epirus region, located between Greece and Albania — is Albanian. Speaking at the hundredth anniversary of Albanian independence, on November 29th 2012, Berisha stated: “We are dedicating this event... [to those]... who on 29 November 1912... de-

clared independence of Albania, independence of the whole ethnic Albania, independence of all Albanian regions — from Preveza to Presevo, from Skopje to Podgorica.” He later justified his words by saying that he was only describing “historical past” and that he was not reinforcing the current claims of Tirana on neighbouring territories. However, after a relatively short time, Berisha stated that Albanians living in five different countries cannot be regarded as five different people: “Unity of Albanians is the only alternative to this situation,” he declared.⁸

Deputy Defence Minister and leader of the monarchist Royalist Party Ekrem Spahiu, gave an interview in March, where he spoke crudely about the idea of holding a gay festival in Tirana, as well as homosexuals themselves.⁹ He went as far as to propose to “beat [the parade members] with clubs.”¹⁰

In December 2012, the leader of an ultra-nationalist party “Red and Black Alliance” Kreshnik Spahiu made offensive remarks against the Greek ethnic minority and even Greece itself.¹¹

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Xenophobia and inflammatory statements of the authorities and the media	-5
	Total for section 2	-5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist and anti-extremist legislation, and legislation directed against incitement of ethnic and religious hatred in the country.

Article 3 of the Albanian Constitution lists the fundamental values that the state is obliged to respect and protect, these include ethnic equality, religious co-existence, mutual understanding and co-existence of Albanians with other ethnic minorities. Paragraph 2 of Art. 9 of the Basic Law of Albania prohibits the establishment of political parties, whose activities contribute to the incitement of racial, religious, regional or ethnic hate. Art. 10 addresses the equality of all religious and independence of religious associations. Article 20 is dedicated to the rights of ethnic minorities wherein members of

“non-titular” nations shall enjoy all rights and freedoms. They are further entitled to the right to express their ethnic, cultural, religious and linguistic identity; teach and be taught in their native language, as well as unite in organisations and communities for protection of their interests and their identity.¹²

The Criminal Code of Albania dedicates articles 265 (“Incitement of ethnic hate”) and 266 (“Public incitement of hate”) to counter crimes motivated by xenophobia.¹³ Art. 131–133 are dedicated to crimes relating to the obstruction of the activities of religious organisations.¹⁴

- Presence and improvement of anti-discriminatory legislation.

Prohibition of discrimination is contained in Art. 18 of the Albanian Constitution.

Discrimination is also the topic of Art. 253 of the Criminal Code, which states that discrimination on the basis of origin, sex, disability, religious or political values, trade union activity or on the basis of affiliation to a particular ethnicity, country or religion is punishable with fines or a prison term of up to five years.¹⁵

The introduction of Albanian anti-discriminatory legislation over the recent years is largely due to the country’s desire to integrate into the EU (application for EU membership was submitted by Albania in April 2009). This explains the evolution of Albania norms in the relevant laws over the recent years, such as the ban on LGBT discrimination, the law “On protection from discrimination” introduced and adopted on March 9, 2010. The law prohibits discrimination on the basis of gender, race, skin colour, nationality, language, sexual orientation, political, religious or philosophical beliefs, economic, educational or social status, pregnancy, origin, parental responsibility, age, family or family status, civil status, place of residence, health, genetic predisposition, affiliation to a particular group, etc.¹⁶

In 2012, Parliament actively worked on the new law “On foreigners,” which equated the rights of EU citizens and highly skilled professionals from third countries, invited to work in the country in accordance with the requirements of the EU Directive 2009/50/EC, with the rights of Albanian citizens in obtaining medical and social assistance. For EU citizens, a compulsory requirement to obtain a work permit was abolished. The law was adopted in March 2013.¹⁷

- Compliance with anti-Nazi, anti-racist and anti-extremist legislation by the authorities (central, regional, municipal), law enforcement and judiciary, as well as their compliance with legislation directed against incitement of ethnic and religious hate and compliance with anti-discriminatory legislation.

Article 7 of the Law on protection against discrimination states: “Every action or inaction of public authorities or legal entities that participate in private or public sector and in life, that creates grounds for denial of equality for an individual or a group of persons, or that subject them to an unfair, unequal treatment, when they are in the same or similar circumstances compared to other individuals or a group of persons, is to be considered discrimination.”

The responsibility of combating discrimination lies with the Interior Ministry, the Ministry of Labour, Social Affairs and Equal Opportunities and the Ministry of Education and Science. According to Art. 13 of the Law on protection against discrimination, the protection of employees against discrimination is one of the employer’s responsibilities. Article 19 places the responsibility of combating discrimination on the directors of educational institutions.

The central institution for combating discrimination is the Commissioner for Protection Against Discrimination, whose position was established according to the Law on protection against discrimination in 2010. A commissioner is elected for five years and has to report his activities annually. He has the right to conduct administrative investigations into complaints of discrimination and impose penalties (including relatively high fines), prepare recommendations to the authorities on ways to overcome discrimination, and so on. Complaints are reviewed within 90 days of receiving them.¹⁸

However, on December 12th 2012, Alliance against Discrimination and Pro LGBT — the two organisations that protect LGBT rights — expressed their disappointment with Commissioner’s “weak and unprofessional work.” According to the representatives of these organisations, out of nine reported cases related to LGBT discrimination presented to Commissioner’s office, only one was recognised as legitimate.¹⁹ Instances of criminal investigations, let alone convictions, related to the known cases of violation of rights of the minorities are not known.

- Counter-actions against hate crimes (criminal cases against organisers and participants, convictions).

In response to a request by OSCE, the Albanian government officially stated that, along with countries such as Azerbaijan, Italy, Tajikistan and Uzbekistan, it does not publicise information about hate crimes.²⁰ Therefore, monitoring can only yield fragmented data on such crimes, gathered from official representatives of Albanian government at the request of international organisations. However, the clearance level of such crimes is unknown.

Some information regarding the struggle against such crimes leaks through the mass media. For example, in February 2012, the Parliamentary Commission of Inquiry attempted to prosecute the leader of

“Red and Black Alliance,” Kreshnik Spahiu for statements that aggravated the relations with Greece, as well as financial misuse.²¹ In connection with the disclosure of the latter, Spahiu was forced to resign from the post of Vice-President of the Supreme Council of Justice in February 2012.

- Unlawful use of anti-extremist legislation.

Such cases were not recorded by monitoring in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-Nazi, anti-racist and anti-extremism legislation, legislation against incitement ethnic and religious hatred in the country	5
×	Presence of anti-discrimination legislation	5
-/×	Compliance of the authorities (central regional, municipal), the law enforcement and judiciary, with anti-Nazi, anti-racist and anti-extremist legislation. Compliance with anti-discriminatory legislation and legislation directed against the incitement of ethnic and religious hatred	2.5
-	Responses to hate crime (criminal proceedings against organisers and participants, convictions)	0
-	Unlawful use of anti-Nazi, anti-discrimination and anti-extremist legislation	0
	Total for section 3	12.5

4. Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

Commenting on the anti-gay statements made by the Deputy Minister of Defence and leader of Royalist Party Ekrem Spahiu, Prime Minister Sali Berisha stated in March 2012, that anyone who strives towards hatred against particular groups of population adds to the problems of Albania already faces in relation to the civilised world, where it seeks to integrate.²² After the scandal with E. Spahiu’s statements, Prime Minister met with two LGBT-rights activists and assured them of his support.²³

“Nobody has the right to intervene in the intimate life of people of any orientation, especially a Deputy Minister,” he said.

Sali Berisha supported the activists of LGBT-rights movement in their opinion to introduce an article in the Criminal Code that would provide punishment for insulting people because of their sexual orientation via Informational Technology.

Speaking at a traditional Christmas and New Year’s meeting with representatives of religious communities and the diplomatic corps in Albania on December 25th 2012, Prime Minister Sali Berisha stated that Albanians are the people setting a good example of tolerance.

“In this regard, Albanians are small, but brilliant people. People, who experienced Theodosius’ influence. The church split up, but the people are still united. They then experienced other influences, not Theodosius, but Huntington, and yet the people remained united. This is an appeal to other people, of absolute respect and trust in one another,” he stressed. “Let us all try to make 2013 a year of mutual harmony, peace and understanding, with ourselves, with our neighbours, with other countries,” Berisha concluded.²⁴

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
	Total for section 4	5

5. Activities aimed at promoting tolerance and preventing extremism

There are several programmes of this kind: a government programme for promoting the principles of gender equality and improving the legislative and institutional instruments for gender-orientated policies is active in Albania from 2009 to 2013.

Since 2010, Albania has launched a programme for attracting the children from Roma families into schools.²⁵

Furthermore, in early May 2012, Tirana hosted a film festival dedicated against LGBT discrimination, which caused a great response both in Albanian and the world press.²⁶ A little later, on May 16th — eve of the International Day Against Homophobia — the Albanian capital hosted an exhibition called “Hide and Seek,” where the EU Ambassador to Tirana Ettore Sequi and U.S. Ambassador to Tirana Alexander Arvizu spoke in support of LGBT.²⁷

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Activities aimed at promoting tolerance and preventing extremism	5
	Total for section 5	5

6. Status of migrants and society's attitude towards immigrants, foreigners, different ethnic groups

Indicators

- Presence and improvement of immigration laws.

Until recently, Albania remained a country that contributed to migration, with thousands (if not tens of thousands) emigrating from the country every year. Indeed, the neighbouring country Greece counted 400,000 Albanians. Incidentally, in many ways this fact helped reduce the pressure on the labour market in Albania itself, which became one of the few European countries that have ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (in 2007). In 2007, Albania also ratified the European Convention on the Legal Status of Migrant Workers. Furthermore, a special law No. 9034 “On emigration of Albanian citizens for work purposes” was issued, Art. 1 of which declared that Albania guarantees freedom and protection to its emigrant citizens, as well as support and the strengthening of their ties with the country of emigration.²⁸

Article 16 of the Albanian Constitution provides the equality of rights, freedoms and responsibilities for citizens of Albania and foreigners located within its territory, as well as individuals without a citizenship. Article 39, meanwhile prohibits mass deportation of foreign individuals.²⁹

The main document regulating the status of migrants is adopted in August 1999 “Law on Foreigners.” One may distinguish a peculiar enough Article 5 within this law, introducing a ban on entry for the citizens of countries “with which the Republic of Albania is in a state of war, conflict or serious political tensions.” Foreigners are allowed permanent residence in the case of marriage, or legal residence in the country for 5 years. Work permits are issued to immigrants by the Ministry of Labour and Social Affairs and can be limited (to a particular profession — for one year) or unlimited — with a 5-year expiration period. It must be issued within 30 days of an immigrant’s arrival in Al-

bania, or in 60 days — if the permit is requested prior to immigrant’s arrival. According to Art. 33, priority is given to spouses of Albanian citizens and individuals who have graduated from Albanian educational institutions.³⁰

However, in March 2013 Parliament adopted a new policy of the “Law on Foreigners,” which brought it as close as possible to the EU norms. The new policy obliterated the requirement that EU citizens bare a work permit, as well as level their rights to medical and social assistance to the rights of Albanian citizens. In accordance with the EU Directive 2009/50/EC, a “Blue Card” was introduced, which was formulated to regulate the employment of highly skilled specialists from the third world countries. The new law also provided for the priorities for this category of foreigners seeking employment in Albania. In regards to matters relating to the freedom of movement, Albanian law has adopted to the EU Directive 2004/38³¹ and instructions therein. Thus, Albania has abolished the visa requirements for EU citizens and opened its borders to anyone with a “Schengen” visa.

The issue of provision of asylum is regulated by the similarly named law, adopted in 1998.

- Authorities’ compliance with such legislation (law enforcement practice).

In general, the migration legislation is respected in Albania, however it should be noted that due to the absence of any significant immigration flows, authorities do not have any influential regulation in practice.

- Discriminatory practices against immigrants.

Due to the lack of any significant immigration flows in Albania, this topic is not relevant.

- Use of the “ethnic crime” theme in order to discriminate against immigrants.

Such cases were not identified by monitoring in 2012. The subject is irrelevant for the country.

- Social assistance for immigrants.

The subjects of foreigners’ employment, medical and social assistance are regulated by the laws “On foreigners,” “On refugees” and the Government Decree “On entry and medical treatment of foreigners” in Albania.³²

In accordance with this legislation, foreigners that legally reside in Albania — EU citizens, refugees, as well as foreigners from third countries, who have the temporary or permanent residence permit — are entitled to the same social benefits as Albanian citizens. However, it is

important to understand that the available social assistance for Albanian citizens themselves has its own specifics. First, it is almost three times lower than a minimum wage (144.40 EUR — as of 2012³³) and secondly, series of articles of this assistance is very arbitrary. For example, many local medical institutions remain underfunded. The level of financing afforded to these regions depends, among other things, upon the political party that forms the government. Since socialists have more influence in the south, in the instance of their political success, the financing of medical centres in the north would be cut in favour of southern hospitals, and vice versa. The same goes for jobs in other public sector institutions, including kinderkartens and schools. The situation is balanced only in central Albania, since in that region the socialists and the democrats have a relatively equal influence.

Given that for many years more than 12% of the Albanian population have had incomes lower than the subsistence level,³⁴ it is safe to assume that immigrants who applied for social assistance are automatically falling below the poverty line.

Although Albania had formally treated foreigners to equal social rights that citizens enjoy, these rights, however, do not provide either group with the necessities required for a good standard of life. Nonetheless, given the low level of immigration into Albania, the socio-economic situation and society's attitude towards immigrants, remains unchanged.

- Negative attitude of the society towards immigrants, foreigners, various ethnic groups.

Unfortunately, there were no public opinion polls on this subject during the reviewed period. However, the results of earlier surveys, as well as indirect evidence suggest that the most common manifestation of xenophobia in Albania is related to the Greeks. The Greek minority is suspected of being secretly supported by Greece, and the desire to break the border territories away from Albania. The level of hate is clearly demonstrated by the murder of an ethnic Greek Aristotle Guma, committed in 2010 in Himare, as well as threats made against other Armenian citizens.³⁵

In March 2012, the leader of the Greek minority party Vangel Dule went on television and said that Greece does not possess the Chameria region (Chameria — territory of northern Greece, which was compactly populated by ethnic Albanians before 1940). His audacious claim resulted in many threats made against him and the Greek minority³⁶ over the internet.

Another threat reported by observers, was the infiltration of radical forms of Islam into Albania, which would lead to an increased intolerance towards other forms of religion from those who are newly converted.³⁷

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence and improvement of immigration laws	5
×	Authorities' compliance with such legislation (law enforcement practice)	5
–	Discriminatory practices against immigrants	0
–	Use of the “ethnic crime” theme in order to discriminate against immigrants	0
×	Social assistance for immigrants	5
×	Negative attitude of the society towards immigrants, foreigners, various ethnic groups	–5
	Total for section 6	10

7. Incitement of religious and ethnic hatred

Indicators

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

Such calls were mainly reported coming from the representatives of the “Red and Black Alliance” party (see section 9).

In late August 2012, a video was posted on file sharing website YouTube where representatives of an Albanian group, wearing uniforms marked with “SS” labels shot the Greek flag and threatened to kill the Greeks and burn down their homes.³⁸

- Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.

In 2012, a book by Adolf Hitler “Mein Kampf” was published in Albanian language.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti	–5

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts	-5
	Total for section 7	-10

8. Radical nationalist groups and parties

Indicators

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).

The main radical nationalist party in Albania is the “Red and Black Alliance.”* It was established on March 20th 2012 in order to replace the eponymous social movement that emerged in March 2011.

- Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.

The purpose of the “Red and Black Alliance” is for their leaders to promote their anti-Greek beliefs and create their own “Great Albania.” Between the years of 2005 and 2013 there have been constant accusations made by Alliance members that the leaders of the Democratic Party are guilty of “indulging” Greece. Representatives of the Alliance accused Sali Berisha of granting a portion of Albanian territory to Greece. Furthermore, on December 14, the day after the census results were published, representatives of the “Red and Black Alliance” declared that through conducting the census, Albanian authorities tried to please Greece, allegedly inflating the number of Greeks.³⁹

In August 2012, Kreshnik Spahiu accused Sali Berisha of discriminating against the Muslim majority in Albania, because while he was a president of Albania in 1993, Berisha promised to build a large mosque in Tirana, but failed to keep his promise.⁴⁰

In December, the head of the “Red and Black Alliance” Kreshnik Spahiu accused the Minister of Labour Spiro Ksera (Democratic Party

* Red and black are the national colours of Albania — *editor’s note.*

of Albania) of anti-national activities, namely of having ties to the Greek right-wing party “Golden Dawn.” He is further accused of giving the position of an adviser to an Albanian of Greek descent Theophanes Kaliviotis, who happens to be leading the movement for the independence of Northern Epirus region of south Albania, populated by ethnic Greeks.⁴¹ Alliance representatives have repeatedly stated that the 13 ministers of Berisha’s cabinet are “Greekophiles and that they are working against the interests of Albania and Albanians”⁴² alike.

Leaders of the Russian Orthodox Church in Albania were also accused of “Greekophilia” and as a result Red and Black Alliance members demanded the expulsion of bishop Anastas Janullatos, leader of the church.⁴³ Leader of the Greek Minority Party Vangel Dula was called a “traitor of the nation” by Spahiu on March 31.⁴⁴

As for the “Great Albania,” representatives of the Red and Black Alliance have repeatedly named it their goal, and even accused Sali Berisha of stealing these slogans from them and goes on to claim that he is not actually interested in integrating with Kosovo.⁴⁵

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.

The idea of “Great Albania” is a fairly popular notion in the country (in December 2012, this idea was supported by 64% of respondents) and it is these sentiments that prompted the leader of the far-right Kreshnik Spahiu to transform his social movement into a political party in 2012.

However, as is commonly present in such cases, those sympathising with the nationalist idea are not always sharing interest in it with the support of the ultra-radical parties, which exploit them for electoral purposes.

In December 2012, 14% of respondents stated that they are ready to vote for the Red and Black Alliance, however in June 2013, the party only received 0.6% votes. This shows that the real influence of the radical right-wing nationalists over the Albanian community is of relatively minor influence — even if the voters were concerned with nationalist subjects, it is not a pressing priority theirs. Conversely the main interests in Albanians is currently the topic of European integration. More specifically that immigrants believe they should be entitled to receive certain social benefits, as well as the economic state of the country. Furthermore, it was surprisingly related that corruption is a matter of more concern than the pursuit of the “Great Albania.”

- Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.

Neo-Nazi influence over the local government bodies is also minimal — in 2012, the Red and Black Alliance joined only one head of the municipal council — M. Karrigi of the town of Perrenjas.⁴⁶

- Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.

The Red and Black Alliance Party was only created in 2012 and it therefore was not present in the parliament and subject to the monitored period. Up until March 2012, its leader — Kreshnik Spahiu occupied the post of Vice President of the Supreme Council of Justice. However, since his position therein has been abdicated following a series of xenophobic scandals. Therefore, one cannot speak of direct influence of radical nationalists over the central government in Albania. It is another thing that, at some point, the ruling party, in face of its leader, started believing into the popularity of an idea of “Great Albania” amongst voters and started using Red and Black Alliance’s nationalistic slogan in their own electoral campaign (see section 2). However, this is more an influence of electoral sentiments, rather than a party, as evidenced by the 2013 Parliamentary election results.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities)	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities	-5
-	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations	0
-	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies	0
-	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies	0
	Total for section 8	-10

9. Extremist and radical nationalist public actions

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

According to the monitoring data, none of the radical right-wing events were banned by the authorities.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

In 2012, the Red and Black Alliance held a series of rallies and campaign meetings in the cities and towns of Albania in order to recruit new supporters.

In April, the Alliance also held a rally near Serbian Embassy in Tirana, protesting against the persecution of Albanian separatists in Presevo (Serbia).⁴⁷ On October 23, the Party's supporters met the Serbian Foreign Minister Ivan Mrkic in front of Tirana Airport, wherein he had just arrive, with banners and placards saying, "Kosovo — is Albania."⁴⁸

In November, the Red and Black Alliance supporters set up a series of street and road signs written in the Albanian language in a village of Licenas, which is primarily inhabited by Macedonians.⁴⁹

In late November, the Alliance activists also held a rally in the border town of Saranda, where they declared their readiness to guard the border of Greece, which is allegedly at a risk of being changed.⁵⁰

On November 28, the Red and Black Alliance organised a petition ceremony where they demanded their unification in "Morin" border crossing (between Albania and Kosovo)⁵¹ and presented this to authorities in Kosovo and Albania.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

One of the Red and Black Alliance's rallies was participated by the head of Perrenjas municipal council M. Karrigi.⁵²

- Presence of "football xenophobia" and racism amongst sports fans.

The radical "Red and Black Alliance" party — then still a public association — was borne out of various groups of football fans, who in 2012 progressed to actively participating in all events organised by the Red and Black Alliance. However, cases of football xenophobia directly at football stadiums were not recording during the observed period in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities	0
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities	–5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies	–5
–/×	Presence of “football xenophobia” and racism amongst sports fans	–2.5
	Total for section 9	–12.5

10. Racist attacks, violence and terror

As aforementioned, Albania conceals their statistics relating to hate crimes from the public and as a result the information provided may not be complete.

Indicators

- Vandalism in cemeteries, attacks on religious buildings.

In 2012, incidences involving the desecration of Orthodox churches began to be reported: in March, an Orthodox church of All Saints (Agiio Pantes) in Himara was desecrated, as well as two churches in Palasa.⁵³ The Agiio Pantes Church in Himara is a unique monument and a spiritual centre of the Orthodox community of that city, located on the Ionian coast of the South-Western Albania.

- Inter-ethnic clashes instigated by xenophobia and radical nationalism.

Cases of inter-ethnic clashes were not recorded by the monitoring in Albania in 2012.

- Cases of violence, including murder on racial, ethnic and religious grounds.

In November, dozens of Red and Black Alliance activists disrupted Greek citizens' attempt to visit Kelcyra monastery in the south of Albania.⁵⁴

Also, in June, it was reported that not far from the Greek border, an imam had assaulted a Protestant pastor for spreading children's gifts without school's permission.⁵⁵

Incidences of hate killings were not recorded in 2012.

- Terrorist attacks on the basis of radical nationalism and religious fanaticism.

On May 15 2012, several firecrackers were detonated on the path of the cycling marathon in support of gay and lesbian rights, however fortunately no one was hurt.⁵⁶

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Vandalism in cemeteries, attacks on religious buildings	-5
-	Inter-ethnic clashes instigated by xenophobia and radical nationalism	0
×	Cases of violence, including murder on racial, ethnic and religious grounds	-5
-	Cases of hate crimes	0
×	Terrorist attacks on the basis of radical nationalism and religious fanaticism	-5
	Total for section 10	-15

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

The rights of the Greek minority in Albania are protected by a non-governmental organisation called Democratic Union of Greek Minority "Omonia," which first emerged in 1990. It created a political party called the "Union for Human Rights" (according to the 2013 parliamentary elections, this party got 1 seat in parliament, having allied them-

selves with socialists⁵⁷). The country also has organisation which acts as a defence on behalf of the Macedonian minority, called “Prespa.”

LGBT rights in Albania are protected by three organisations: the Alliance against Discrimination of LGBT, Pro LGBT and “Pink Embassy.”⁵⁸

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

Cases of mass demonstrations organised by human right organisations in protection of ethnic or religious minorities were not recorded in Albania in 2012.

LGBT activists, however, held their first action in the history of this country in 2012. On May 15th 2012, Tirana had the first ever cycling marathon dedicated to LGBT rights, organised by two human rights organisations — Alliance against Discrimination of LGBT and Pro LGBT. A group of young people threw several firecrackers at the participants, hiding behind the pillars of the nearby building. However, nobody was hurt.⁵⁹

- Presence of anti-racist and anti-fascist civic initiatives.

Besides the gay cycling marathon, two other initiatives were organised in support of the LGBT community in Tirana in May 2012, namely a film festival and a photo exhibition — “Hide and Seek.”

From September 19th to September 27th, Youth Forum of South Europe held a seminar in Pogradec, entitled “Give voice to minority youth,” dedicated to the subject of integration and socialisation of young people from minority groups, as well as combating discrimination.⁶⁰

In April 2012, the Democratic Union of Greek Minority “Omonia” made a statement, condemning the desecration of the Agioi Pantes church in Himara. “Unknown perpetrators have caused damage and detriment to this priceless religious symbol that also has huge historical significance,” the statement said. “We have repeatedly condemned such cases in previous official statements, but the authorities, unfortunately, never took steps to protect churches and arrest suspects. Cases of church desecration and theft are increasing every day.”⁶¹

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-racist and anti-Nazi movements and parties	5
-/×	Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations)	2,5

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-racist and anti-fascist civic initiatives	5
	Total for section 11	12,5

12. Glorification of German National Socialism and collaborators of Nazi Germany

Indicators

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

Such cases were not recorded by monitoring in 2012.

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

Such cases were not recorded by monitoring in 2012.

- Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities

Such cases were not recorded by monitoring in 2012.

- Historical revisionism, Holocaust denial.

Such cases were not recorded by monitoring in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition	0

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers	0
–	Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities	0
–	Historical revisionism, Holocaust denial	0
	Total for section 12	0

13. Persecution of veterans and partisans of the anti-Hitler coalition and anti-fascists

Indicators

- Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.

Such cases were not recorded by monitoring in 2012.

- Restrictions on human rights and anti-fascist organisations imposed by the authorities, bans to entry or exit imposed on anti-fascists by the authorities, inaction of the authorities.

Such cases were not recorded by monitoring in 2012.

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

Such cases were not recorded by monitoring in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists	0

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Restrictions on human rights and anti-fascist organisations imposed by the authorities, bans to entry or exit imposed on anti-fascists by the authorities, inaction of the authorities	0
–	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists	0
	Total for section 13	0

14. International aspects

Indicators

- Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities.

To date, Albania has signed and ratified the International Convention on the Elimination of All Forms of Racial Discrimination (1994), the Convention on the Elimination of All Forms of Discrimination against Women (1994), and the Treaty on the Participation of Foreigners in Public Life at Local Level (2005).

At the same time, Albania did not sign the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages — the two fundamental international instruments governing the rights of ethnic and language minorities.

- Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period.

During the observed period, Albania did not join any new international agreements or resolutions by UN or other international organisations dedicated to combating Nazism, combating discrimination, protecting rights of minorities, etc.

- International declarations and initiatives of the monitored countries and the leading politicians against discrimination, neo-Nazism and xenophobia.

During the monitored period, no international initiatives or statements on countering racism and discrimination were reported on Albania's part.

PRESENCE OF CRITERIA	INDICATORS	SCORE
-/×	Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities	2,5
-	Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period	0
-	International declarations and initiatives of the monitored countries and the leading politicians against discrimination, neo-Nazism and xenophobia	0
	Total for section 14	2,5

CONCLUSION

Implications for the development of the country and society, based on the analysis of factors and taking into account the aspects listed below.

1. Human Rights

- *Guarantees for minorities against any form of discrimination.*

Minorities in Albania are protected from discrimination by individual articles of the Constitution, the Law on Protection against Discrimination (2010) and the Law on Foreigners (2013). An important instrument in the protection of minority rights is a special institution of the Commissioner for Protection from Discrimination.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of Na-*

tional Minorities and the European Commission against Racism and Intolerance, etc.)

Albania has not acceded to the Framework Convention for the Protection of National Minorities, or the European Charter of Regional and Minority Languages. Therefore, their provisions are not used. Albania's authorities are very reluctant to expand the rights of ethnic minorities, hence preserving Enver Hoxha's regime. This is the situation where members of ethnic minorities who are settled outside of the officially recognised, so-called "minority zones," are deprived of the right to use their language in record keeping or education.

- *Differentiation in rights and freedoms of the titular nation and ethnic minorities.*

Such differentiation exists in Albania, and is primarily related to inhabiting minorities' ability to use their native language in record keeping and education in places of their settlement that are outside of the official "minority zones." Firstly, the Greeks contribute to 3% of the population, as well as Serbs and Macedonians. In addition, discrimination against Roma and Balkan-Egyptian communities remains persistent in the fields of employment, health and education. In 2012, there were also reported cases of evictions of Roma ethnicities.

- *Legislation enshrining inequality of minorities.*

The Constitution formally stipulated the equality of all nations inhabiting Albania, however, since the decision of the Constitutional Court, followed in 2011, banning the inclusion of the "nationality" record in the population census lists and civil status acts, is essentially leading to the forced assimilation of minorities residing outside of the official "minority zones," since they will be regarded as Albanians in the future.

- *Rulemaking in protection of minorities.*

Such cases were not recorded during the monitored period.

- *Freedom of speech violations.*

Such cases were not recorded during the monitored period. According to the International Human Rights Organisation "Reporters Without Borders," Albania ranks 102nd out of 178 countries in the world press freedom index.⁶²

- *Legislation and law enforcement practices concerning migrants.*

Albania has advanced migration legislation which is mostly aimed at protecting the rights of its own emigrant citizens located abroad.

Money transfers of the Albanian labour migrants amount to about 7% of GDP. However, Albanian migrant workers who left the country are also denied the right to vote. The number of immigrants, compared to the number of Albanian emigrant workers living abroad, is insignificant — therefore, their socio-economic and political position is not an issue for the country.

2. State of the society

- *Risk of violation or non-compliance with the acting laws directed at protecting the rights of minorities; risk of discriminatory practices against members of minorities.*

Based on the available data, enforcement of the legislation on the protection against discrimination often merely remains a formality in Albania. The information gathered by monitoring gives no cause for doubt over the effectiveness of work conducted by the Commissioner for Protection from Discrimination. Albanian authorities' attempt to cancel the "ethnicity" record in the population census, and its simultaneous removal from the civil status acts, evidences their efforts to unify their language and national policies following the example of the neighbouring Greece. In the future, this may aggravate the relations with ethnic minorities and may weaken their society.

- *Subject of identity — how manifestations of xenophobia and extremism affect the identity of minorities, as well as identification of minorities on the part of the majority (growth of social phobias).*

Albanians perceive themselves to be in a "hostile environment," surrounded by Greeks and Serbs, who are "encroaching on the independence of the country." Many of them perceive the Greek minority as a "fifth column." Alternatively, the idea of the "Great Albania" is enjoying popular support with suggestions of "cutting off" territories from Serbia, Montenegro, Macedonia and Greece. Representatives of national minorities feel as though they are being discriminated against in Albania, while the attempt to give up the record of "ethnicity" in the population census is viewed by them as an attempt into forced assimilation.

All in all, these results show the potential for "great-state" and chauvinist sentiments in the Albanian society, as well as the authorities' willingness to follow the stated sentiments. The reported vibe of Xenophobia, as well as the endeavour of government to force minorities to give up their identities could lead to tensions in relations between not only their own minorities, but also with the neighbouring states.

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socio-economic development of the country)

- *Standard of living.*

According to the prosperity index, conducted by a well-known Legatum Institute, Albania ranked 92nd place, being the last among European countries.⁶³ However, it would be wrong to say that xenophobia or “great-state” sentiments are the reasons for the poor indicators of standard of living in Albania, as these were adjudged in this case merely on economic factors.

- *Economic turmoil and instability.*

In 2012, Albania reported a slight economic growth of 0.5% (3.5% in 2011), while the level of unemployment remained high at 13%.⁶⁴ The investment appeal of the country is one of the lowest in the region. Inflow of investments into Albania is complicated by the rather small, by European standards, size of the economy and low consumer demand (caused by a slow growth in income and a high rate of labour emigration from the country, as well as the decline in the volume of funds transferred from abroad over the recent years). The high level of corruption plays a significant role in this situation, as do the ambiguous relations with neighbouring countries, sensitive to the radicals’ regular attempts to promote the project of “Great Albania.”

- *Decline in production growth, emigration of the labour force.*

For the past 20 years, Albania is the supplier of labour force to the labour markets of the European countries, with more than a million people leaving the country. This emigration was mainly due to economic reasons; however, it is impossible to ignore the active participation of ethnic minorities in the migration process, due to their dissatisfaction with the national policies of the country. Labour emigration contributed to the decline in production, however, it also led to a substantial increase in cash flow into Albanian banks. The problems began with the onset of economic recession in Europe, when many migrant workers, including Albanians, have lost their jobs and joined the ranks of the unemployed in Greece, Germany, Italy and other countries.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

So far, the national subject as a whole, including among others, the “great-state” idea of the “Great Albania,” has no effect on the political

landscape of the country. Voters are more concerned with other issues, for example, the level of government corruption, economic growth, social policies, new jobs and, finally, European integration.

The noticeable activity of the Red and Black Alliance so far has an adverse effect on just the national minorities. Coupled with the restrictions on the rights of ethnic minorities outside the “minority zones,” this contributes to the *unexpressed* growth in tensions in the country. However, with the stabilisation of the economic situation and the inevitable disappointment of some Albanians in the results of European integration, which was demonstrated by all “new” EU member states without exception, radical nationalist ideas will gradually come to forefront, which poses an immediate threat to the security of the country.

Another factor contributing to instability of Albania is the import of radical Islam. Until recently, the country remained a bastion of religious tolerance and stability in the region, where, through the efforts of the leader of Bektashi community Hadji Baba Edmond Brahimaj, as well as the leaders of other religious organisations, the cooperation between religious and confessions was actively carried out. However, over the recent years, the so-called “Clean Islam” is beginning to emerge, being carried into Albania by preachers trained in Turkey and Saudi Arabia. In this regard, Albania repeats the same path taken by many regions of former USSR, where Muslim communities, experiencing a deficit of religious followers after the fall of the Soviet Union, started to invite foreign specialists from the Middle East and North Africa, to get several centres of radical Islam in Caucasus, Central Asia and even Ukraine as a result.

- *Impact of xenophobia and extremism in the country on the issues of external security, on relations with third countries and the international security in the region as a whole.*

The explicit support of organisations recognised as extremist in Serbia, as well as Greece — such as the “Kosovo Liberation Army,” activation of the Red and Black Alliance against ethnic minorities in 2012, directed at Greeks and Serbs first of all, as well as claims for creation of the “Great Albania” — all those are the reasons for strained relations with almost all neighbouring states (excluding Kosovo). Thus, in November 2012, after the Sali Berisha’s “Great Albanian” slogans in the wake of the 100th anniversary of Albanian independence, Foreign Minister of Greece Dimitris Avramopoulos cancelled his visit to Tirana to participate in the celebrations.⁶⁵

Such statements are also regarded as expression of support by the factions of Albanian separatists in the neighbouring countries, stimulating them to step up their activities, which can only add to the instability in the region.

RECOMMENDATIONS

1. *General recommendations for the accession to international agreements and conventions.*

In order to begin the reformation of its national policy, Albania has to join the two major international agreements in this field — the Framework Convention for the Protection of National Minorities and the European Charter of Regional Languages and Minority Languages — which lay out the main European approaches to relations with ethnic minorities.

2. *General recommendations for adjustments to the legal framework.*

Albania is recommended to remove the article justifying discrimination on some kind of “reasonable and objective reasons.” Furthermore, the decision of the Constitutional Court banning the survey of respondents’ ethnicities during the population census, simultaneously removing the record of ethnicity from the civil status acts, should be overturned.

It is extremely important to introduce an article to the Criminal Code, according to which racism and other prejudices would become aggravating circumstances in the commission of crimes.

3. *General recommendations for the executive bodies in the field of law enforcement and human rights.*

Albanian authorities should abandon the practice inherited from the Enver Hoxha’s totalitarian regime of not recognising the rights of minorities (first of all — in relation to the use of native language and opportunity for education in the native language) outside the special zones.

Abandoning the policy of classifying the statistics of hate crimes, including crime clearance rates, is also important, since it otherwise creates a presumption of profanation of the fight against these crimes and discrimination practices. It is also important to start actively using the essentially “sleeping” articles of the Criminal Code on inciting ethnic hatred against organisers of the ultra-right-wing marches and rallies from the Red and Black Alliance. It is also important to inspect the activities of the Alliance itself, including its leadership, for compliance with the Constitution and the Criminal Code.

It is important to intensify the activities of the Commissioner for Protection from Discrimination with respect to the already present cases of discrimination of Roma and Balkan-Egyptian minority in the field of employment, healthcare, education and housing. To do this, he needs to be provided with necessary resources.

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SUMMARY OF INDICATORS FOR 2012

No.	INDICATORS	SCORE
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-10
2	Xenophobia and inflammatory statements by members of the authorities and media	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	12.5
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
5	Activities aimed at promoting tolerance and preventing extremism	5
6	Status of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	10
7	Incitement of religious and ethnic hatred	-10
8	Radical nationalist groups and parties	-10
9	Extremist and radical nationalist public actions	-12.5
10	Racist attacks, violence and terror	-15
11	Presence, popularity and size of anti-fascist and anti-racist movements	12.5
12	Glorification of German National Socialism and collaborators of Nazi Germany	0
13	Persecution of veterans and partisans of the anti-Hitler coalition	0
14	International aspects	2.5
	Total	-15

BULGARIA

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

Indicators

- Discriminatory legislation affecting minorities residing in Bulgaria in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

Bulgaria has a ban on public speaking in languages other than Bulgarian. This is a discriminatory policy for political activists — Turks and Roma, who cannot speak to voters in their native language. In June, Parliament voted against the proposed amendment that would allow to eliminate this discriminatory legal provision.¹ Nevertheless, there is evidence of violations of this ban, when the leading activists of Turkish parties made speeches in Turkish language.²

- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

At the time of monitoring, such legislation was not present in Bulgaria.

- Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.

At the time of monitoring, such legislation was not present in Bulgaria.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

During 10 months of 2012, Commission for Protection against Discrimination received 74 complaints related to discrimination on ethnic basis, whereas there were only 47 of those over the entire period of 2011.³

The main object of discrimination in Bulgaria are Roma (4.9% of the population).⁴ Most cases of discrimination against Roma were related to access to housing. 50–70% of Roma houses are considered to be illegally built, and therefore their residents can be evicted at any moment.⁵ In late April, European Court of Human Rights ruled that eviction of Roma from the established community outside Sofia, capital of Bulgaria, violates the right to life. It appealed to Bulgarian authorities to change legislation, so that eviction was not made “to nowhere.”⁶

In July, several dozens of Roma houses were demolished in Peshtera; the same happened in Maglizh in September.⁷ On August 23, it was reported that employees of public utilities in Shumen started cutting off the water supply to residents of a Roma ghetto, because of unpaid bills.⁸ On July 25, it was reported that Mayor of Sofia Yordanka Fandakova intends to demolish Roma neighbourhoods as “illegal.”⁹

Roma also feel discrimination when applying for a job. According to a survey published in January 2012, nearly two-thirds of Roma were rejected as candidates for employment because of their origin. According to the survey conducted amongst employers, 32% would never hire Roma.¹⁰ Discrimination in the labour market leads to an extremely high level of unemployment amongst Roma. According to information published by World Bank in early September 2012, unemployment amongst the Roma population has reached 65% (75% amongst women).¹¹

Roma children have difficulties in school enrolment and further education. According to various sources, 40–70% of Roma children are studying in schools for mentally disabled or collected in separate “gypsy classes.” According to the official census of 2011, 21.8% of Roma have no education at all, and only 9% were able to finish middle school (in Bulgaria, this figure was 52.3%). Bulgarian Roma are experiencing problems with access to healthcare — 45% of them do not have health insurance.¹²

Meanwhile, Bulgarian politicians often coerce Roma into voting for the “right” candidates.¹³

Turkish minority (8.8% of the population) are subjected to discrimination to a lesser degree.¹⁴ Bulgarian authorities do not recognise the existence of such minorities as Pomaks (Muslim Bulgarians) and Macedonians. They are not represented in the National Council for Cooperation on Ethnic and Demographic Issues, under Council of Ministers.¹⁵

Roma, Turks and other minorities, despite paragraph 2, Art 36 of the Constitution, are unable to educate their children in their native language. It can be taught to children only up to 8th grade, as an op-

tional subject. Thus, we are talking about forced assimilation. Representatives of Bulgarian authorities claim that ethnic minority children do not want to study their native language themselves, perceiving it as unpromising.¹⁶

Representatives of the LGBT community also feel discrimination. According to a employers survey, conducted in early 2012, 25% would never employ a homosexual or a transgender.¹⁷

Members of non-Orthodox confessions are also exposed to pressure. Even though the law allows religious media and literature to be published, some municipal regulations require “non-traditional” religions to obtain local permits to distribute religious literature in public places. Municipalities in Burgas and Petrich banned the distribution of religious literature and attempts of missionary work. Generally, this applies to Mormons and Jehovah’s Witnesses.

Many Muslim leaders continued to complain about harassment by security forces, claiming that the latter summoned a number of imams for questioning as a form of intimidation. In April, special services agents confiscated the passport of Imam Ahmed Ergin from Prelez village, threatening him that he would be placed under surveillance — without charging him with any crime.¹⁸

Sofia authorities denied Muslims in the construction of a second mosque, even though the existing one has been unable to host the whole congregation for a long time. Local self-government of Blagoevgrad continued to ignore requests of the Muslim community for permission to renovate their mosque. Municipality of Varna continued to prevent the construction of a worship house for Jehovah’s Witnesses.¹⁹

Despite the presence of a whole number of articles in the Criminal Code, aimed at protecting citizens against discrimination on racial, ethnic and religious grounds (Art. 162–166), these articles — according to a report by Fundamental Rights Agency (FRA) — are barely used. No charges based on provisions of these articles have been put forward over the past 10 years.²⁰

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Discriminatory legislation affecting minorities residing in Bulgaria in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	–5
–	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin	0

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication	0
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	–5
	Total for section 1	–10

2. Xenophobia and inflammatory statements by members of the authorities and media

On January 6, it was reported that Minister of Culture of Bulgaria Vezhdi Rashidov, giving an interview to the local magazine “Biograph,” stated — “I believe that gays are the most unpleasant neighbours, since they combine the worst qualities of women and the most vile qualities of men.”²¹

On June 20, Father Evegeni Yanakiev of Silven Diocese stated that gay parade participants should be stoned.

Organisers of the gay-pride parade in Sofia turned to the church, demanding a reaction to Father Yanakiev’s statements. In response, the Holy Synod issued a statement, saying that “homosexuality is an unnatural attraction, which, no doubt, harms the individual, family and society.”²²

On July 10, Minister of Agriculture Miroslav Naydenov stated — obviously referring to Roma — that he would like it if “swarthy guys” selling corn, seeds, etc. at the beaches “disappeared,” because that would improve the touristic image of Bulgaria.²³

On July 20, it was reported that a file was uploaded to Rosen Plevneliev’s Presidential website, named NationalStrategyIntegrateMangali (the word “mangali” is a derogatory nickname for Roma).²⁴

In October 2012, parliamentary faction of the “Attack” (“Ataka”) Party proposed to cancel the television broadcasting in minority languages. The proposal was rejected in Parliament.²⁵

On January 18, newspaper “7 Days of Sport” published an article, entitled “New CSKA: * Italians, Swedes and two blacks.” “Blacks” referred two African players.

In early February, Plovdiv newspaper “Maritsa” published an article, entitled “Local pioneers under the same roof as gays,” which painted a negative image of LGBT.

On February 3, TV presenter Julian Vnuchkov, called LGBT “sick people” in his show “Times and Manners.”²⁶

On February 8 and 9 2012, online newspaper “Novinar” published an article called “The Ungrateful Gypsy race.”²⁷

Anti-Roma sentiments are generally common in Bulgarian media. According to the research conducted by the Institute of Modern Politics, results of which were published in early April, media portray gypsies mostly in the negative light — as thieves, rapists and murderers. Of the 743 articles examined, only 15 were carrying a positive tone towards gypsies.²⁸

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Xenophobia and inflammatory statements of the authorities and the media	-5
	Total for section 2	-5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist and anti-extremist legislation, and legislation directed against incitement of ethnic and religious hatred in the country.

The core of Bulgarian anti-racist legislation is the country’s Constitution, the Law “On protection against discrimination” (2004, amended in 2006) and the Criminal Code.

Article 6 of Bulgarian Constitution states: “There shall be no restrictions on the rights or privileges on the basis of race, nationality, ethnicity, gender, origin, religion, education, opinion, political affiliation, personal or social status or property status.” Article 29 states that no person can be subjected to forced assimilation. Paragraph 2 of Art

* Popular football club in Bulgaria — *editor’s note.*

36 notes, that citizens for whom the Bulgarian is not first language, have the right, alongside the compulsory study of Bulgarian language, to study and use his native language. Article 54 asserts the right of national minorities to develop culture, while Article 37 proclaims freedom of conscience. Article 44 prohibits organisations whose activities are directed towards inciting racial, ethnic or religious hatred.²⁹

Article 4–5 of the Law “On protection against discrimination” bans discrimination on racial or religious grounds (see below)

Criminal Code contains Article 108, which establishes criminal liability for those who preach fascist or other anti-democratic ideology. Article 162 of the Criminal Code deals with crimes against ethnic and racial equality, both violence and abetting. Article 163 concerns the participants of large-scale attacks on the grounds of hate; Article 164–166 concerns crimes on religious grounds.³⁰

While Bulgarian Criminal Code mentions motives of crimes that should be considered by the courts (Art 54), the country’s legislation has no mention of norms recognising racial, religious or other prejudices as aggravating circumstances in the commission of crimes.

Bulgaria also lacks the law regulating the rights of national minorities, which means that provisions of the Framework Convention for the Protection of National Minorities are not being followed. Furthermore, there is no legislation to combat the crimes against LGBT members.³¹ Thus, Bulgarian anti-discrimination legislation cannot be called perfect.

- Presence and improvement of anti-discriminatory legislation.

The main normative act of anti-discrimination legislation is the Law “on protection against discrimination,” adopted in 2004 and amended in 2006. Article 2 of the Law states that its purpose is to provide each person with the right to quality execution of the laws, equal opportunities, effective protection against discrimination. Article 2 and 5 states that the law is directed against discrimination (direct and indirect) on the basis of gender, race, nationality, ethnic origin, citizenship, origin, religion and beliefs, education, political affiliation, personal or social status, disability, age, sexual orientation, family status, financial status, as well as protecting against sexual harassment, incitement to discrimination, persecution and racial segregation, as well as protecting from the presence and construction of architectural environment that restrain access for disabled people. Article 12 prohibits employers to implement restrictions on the grounds specified in Art 4, except for those cases, when it is due to the specifics of the job. Article 18 states that employers, cooperating with trade unions, should take effective preventative measures against all forms of discrimination at the workplace. Article 30 places similar responsibilities on heads of educational institutions in the case of discrimination of students.³²

- Compliance with anti-Nazi, anti-racist and anti-extremist legislation by the authorities (central, regional, municipal), law enforcement and judiciary, as well as their compliance with legislation directed against incitement of ethnic and religious hate.

In general, the existing legislation is enforced. In accordance to the Law “On protection against discrimination,” a Committee for Protection against Discrimination was created. Commission is a collegial body composed of 9 members, whose term of office is 5 years. The Commission is authorised to issue an order to eliminate discriminatory measures, necessary for execution, as well as to issue fines on violators of the law on discrimination, challenge discriminatory regulations, conduct investigations and provide assistance to the victims of discrimination. The statute of limitations for the cases investigated by the Commission cannot exceed three years.³³

Since 1997, Bulgaria has a National Council for Cooperation on Ethnic and Demographic Issues under the Council of Ministers. It is the main national body for consultation and coordination of public policy in respect of persons belonging to ethnic, religious and language minorities. Cooperation between authorities and national minority organisations are conducted through this Council.³⁴ Activities of the National Council are developed in several directions, including: providing for equal opportunities and equal treatment of all Bulgarian citizens, prevention of manifestations of racism and xenophobia, as well as prevention of any discriminatory practices on ethnic grounds; improving access to healthcare and education, as well as improving employment and living conditions for persons belonging to ethnic minorities, with an emphasis of the most vulnerable citizens in the context of socio-economic conditions; preservation and development of cultural, religious and language identity of minorities.³⁵

In 2011, a Memorandum of Cooperation was signed between the Ministry of Interior and OSCE/ODIHR dedicated to the subject of hate crimes.³⁶

For several years, Ministry of Interior has been conducting staff trainings on prevention of discriminatory behaviour, as part of the fight against discrimination and hate crimes, primarily affecting the issues of identification of discrimination in minority communities.³⁷

In 2012, Human Rights Ombudsman of Bulgaria received 5,331 complaints of discrimination, mostly related to the quality of public services, social support and property issues concerning Roma.³⁸ Some of those were investigated, and in some cases, administrative proceedings have been initiated. Commission for Protection against Discrimination received 728 complaints in just 10 months of 2012, compared to 685 in 2011. Commission has identified 230 cases of

discriminatory practice and imposed the total of 7,250 Levs (\$4,885) in fines.³⁹

- Counter-actions against hate crimes (criminal cases against organisers and participants, convictions).

Bulgaria is among the number of countries that do not have any statistics on hate crime, even though its authorities have never stated that they intentionally do not provide them.⁴⁰ As practice shows, the lack of statistics prevents organising a systematic fight against hate crimes, which only leads to the aggravation of the situation.

Several facts evidence that hate crimes are becoming an increasing problem in Bulgaria, while they are not countered on a proper level. Thus, on October 24 2012, European Court of Human Rights (ECHR) ruled that Bulgarian authorities failed to properly investigate the attack on a gypsy Yolanda Yotova in 1999, and did not attempt to determine if the crime was ethnically or racially motivated. The court sentenced them to pay 12,000 euros and legal costs.⁴¹

During the year, prosecutor's office refused to take action against the leader of radical right-wing party "Attack" Volen Siderov for his anti-Semitic books. There was also no investigation into the article "Ungrateful race of gypsies."⁴² Authorities are turning a blind eye to xenophobic propaganda. So far, no trial or pre-trial proceedings against supporters of the fascist ideology and advocates of the Nazi practice have been initiated in Bulgaria.

In 2012, court ruled to terminate the case about the attack on a group of antifascists by a band of neo-Nazis in 2012. Police tried to present the attack on Muslims on May 20 and the participants of a gay parade in June 2012 as "hooliganism" — in the latter case, investigations were terminated without explanation.⁴³ Police officers also did not intervene during the beating of a group of Mormons in July 2012.⁴⁴

It is possible to name only a few cases that have been investigated appropriately and where perpetrators were punished accordingly. For example, a group of VMRO (Internal Macedonian Revolutionary Organization) members were sentenced in 2012, guilty of attacking Jehovah's Witnesses in Burgas in 2011.⁴⁵ On March 2, Commission for Protection against Discrimination fined the Plovdiv newspaper "Maritsa" for 2,000 levs (1,000 EUR) for homophobic publication. TV presenter Yu. Vuchkov was also fined for homophobic statements.⁴⁶

Thus, we can conclude that the fight against hate crimes in Bulgaria is inconsistent and unsatisfactory.

- Unlawful use of anti-extremist legislation.

It is worth noting a trial that was initiated in September 2012 in Pazardzhik against 13 Muslim activists, whom the intelligence agencies

accuse of organising an Islamic conspiracy. Many observers believe that the prosecution was falsified by the intelligence in order to demonstrate their activity.⁴⁷

In 2012, Muslim religious leaders continued to complain about harassment and persecution from state security agencies, which are trying to accuse them of collaborating with radical Islamist organisations.⁴⁸

PRESENCE OF CRITERIA	INDICATORS	SCORE
-/×	Presence of anti-Nazi, anti-racist and anti-extremism legislation, legislation against incitement ethnic and religious hatred in the country	2.5
×	Presence of anti-discrimination legislation	5
×	Compliance of the authorities (central regional, municipal), the law enforcement and judiciary, with anti-Nazi, anti-racist and anti-extremist legislation. Compliance with anti-discriminatory legislation and legislation directed against the incitement of ethnic and religious hatred	5
-/×	Counter-actions against hate crimes (criminal cases against organisers and participants, convictions)	2.5
×	Unlawful use of anti-Nazi, anti-discrimination and anti-extremist legislation	-5
	Total for section 3	10

4. Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

On 11 January 2012, Bulgarian Parliament adopted a declaration, condemning the facts of assimilation of Muslim minority, including the so-called “revival process,” and called on the Prosecutor General and the judiciary to bring the masterminds of the anti-Muslim campaign to justice.⁴⁹

On June 30, MP from the Bulgarian Socialist Party (BSP) Peter Kurumbashev took part in the Sofia gay parade, to demonstrate his support for LGBT⁵⁰

On September 11, Prime Minister Boyko Borisov and a delegation of 12 members of the Cabinet, bowed to the victims of Holocaust in Yad Vashem, Jerusalem.⁵¹

On November 25, Mayor of Sofia Yordanka Fandukova, as well as the head of the Education Committee at the City Hall Malina Edreva, took part in the campaign to clean up the city walls of xenophobic graffiti.⁵²

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
	Total for section 4	5

5. Activities aimed at promoting tolerance and preventing extremism

At the moment, Bulgaria has a series of programmes aimed at combating xenophobia: Decade of Roma integration (2005–2015), Framework programme for Roma integration into Bulgarian society (2010–2020), Strategy for the integration of Roma for the period of 2012–2020. Priority directions of these programmes are education, health, housing, employment, culture, non-discrimination and provision of equal opportunities.⁵³ In 2011, a project of mapping the Roma ghettos was started with the support of EU.⁵⁴

In 2004, a Strategy of educational integration of children and students from minority groups was approved. For its implementation, the Centre for Educational Integration of Children and Young People from the Minorities (COIDUEM) was created in 2005. Centres tasks include ensuring equal access to quality education for children and young people from ethnic minorities, their effective integration in the regulations and educational practice, preservation and development of the cultural identity of children from ethnic minorities, and creating conditions for successful socialisation of children and young people from ethnic minorities.

In recent years, more than 4,000 Roma children of school age were moved from separate schools to general education.⁵⁵ This is a tangible result of government policies directed at eliminating educational segregation of Roma.

Healthcare strategy for vulnerable persons from the ethnic minorities was adopted in September 2005. Its main objectives are to over-

come the negative trends in health of vulnerable ethnic minorities, to provide equal access to healthcare services, increase health insurance of ethnic communities, as well as to reduce the infant and maternal mortality rate. The programme launched the activities of “health mediators,” who are acting as liaisons between Roma communities and the medical and social organisations. During 2008–2011, 105 mediators were appointed in 57 communities.⁵⁶

However, according to a report presented to the UN Human Rights Council in early 2012, the policy of Roma integration in Bulgaria remains an inadequate set of uncoordinated initiatives that are only needed to make an impression on the outside world.⁵⁷

Public schools on all levels are offering an additional course of religious education, which covers Christianity and Islam. The course examines historical, philosophical and cultural aspects of religion. All officially registered religious groups may request their religious teachings to be included into the curriculum.⁵⁸

Activities aimed at developing tolerance in Bulgarian society include the gay-parade in Sofia on the 30th of June 2012, as well as the campaign to clean the streets of xenophobic graffiti on the 25th of November.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Activities aimed at promoting tolerance and preventing extremism	5
	Total for section 5	5

6. Status of migrants and society’s attitude towards immigrants, foreigners, different ethnic groups

Indicators

- Presence and improvement of immigration laws.

Migration processes in Bulgaria are regulated by several legislative acts — the Constitution, Law on entry, stay and exit from the Republic of Bulgaria for citizens of the European Union and members of their families (2006), the Law “On foreigners” (1998), the Law “On Asylum and Refugees” (2002) and the Law “On citizenship.”

Article 26 of the Constitution of Bulgaria states — “Foreigners residing in the Republic of Bulgaria have all the rights and responsibilities provided for in this Constitution, except the rights and responsibilities that the Constitution and laws require Bulgarian citizenship.”⁵⁹

Conditions of entry for EU and Swiss citizens are defined by the Law on entry, stay and exit from the Republic of Bulgaria for citizens of the European Union and members of their families, adopted in 2006, which corresponds to the Regulation 562/2006 of the European Parliament and Council from 15th of March 2006.⁶⁰

Conditions of entry to everyone else are determined by the Law adopted in 1990 “On foreigners in the Republic of Bulgaria.” Article 3 of the Law on foreigners states that they have all rights and responsibilities except for those which require Bulgarian citizenship.

Permits for long-term (up to one year) and permanent (indefinite) residence are issued to foreigners that arrived for treatment, education, participation in scientific research, migrant workers, who have received permission from the Ministry of Labour and Social Policy, entrepreneurs employing at least 10 Bulgarian citizens, investors and their agents, foreign specialists, who arrived through international agreements, spouses of Bulgarian citizens, spouses and children of permanent residents (however, if the marriage has lasted less than 5 years, spouse shall be deported after the divorce), representatives of foreign companies, non-profit organisations and foreign correspondents.

Bulgaria is one of the countries that have their own programme “residence permit in exchange for investment,” in accordance to which a permanent residence permit is given to foreigners after a five-year stay in the country or after an investment of 0.5 million U.S. dollars. Amongst the grounds for the right of permanent residence are also achievements in social and economic sphere, in the field of national security, science, technology, culture or sport. All information about foreigners is entered into a single register, under the responsibility of the Ministry of Interior.

After receiving a permanent residence permit, employment of immigrants is only possible upon obtaining a permission from the Ministry of Labour and Social Policy. Upon receiving the permanent residence permit, their employment — according to Article 33 of the Law on foreigners — does not differ from the employment of Bulgarian citizens in any way. Legal entities are also subjected to a fine, if employing illegal immigrants. Secondary violation is punished by an increased fine. The ban on entry to Bulgaria, according to Article 42 of the Law on foreigners, is valid for 10 years.⁶¹

Granting of asylum is regulated by the Law on Asylum and Refugees, adopted in 2002.

According to the Law on citizenship, a foreigner can apply for Bulgarian citizenship after five years of residence. It can also be granted “in special cases or for outstanding contributions in the interests of Bulgaria.”⁶²

- Authorities' compliance with such legislation (law enforcement practice).

Bulgarian authorities complied with the country's migration legislation in 2012, except for the reception of refugees.

Bulgaria is one of the traditional points of entry for illegal immigrants into the EU. In 2012, the inflow of immigrants into Bulgaria had increased. Over that year, 2,356 illegal immigrants were detained on Bulgarian-Turkish border, which is almost twice the amount in 2011 (1,222). The majority of immigrants who tried to illegally cross the Bulgarian-Turkish border were Syrians fleeing the war.⁶³

Bulgarian immigration system was not ready to accept such a large number of asylum seekers, which had an immediate impact on the terms for application considerations, as well as the issues of housing refugees in temporary accommodation facilities. Therefore, due to lack of space in 2012, 1,000 asylum seekers were placed in prisons.⁶⁴

The influx of refugees caused a significant increase in time for the consideration of asylum applications. As a result, in August, 25 Syrian refugees, including children, who have been held in a detention centre in Lyubimets for several months, went on a hunger strike demanding a swift settlement of their cases.⁶⁵ In October, the construction of a new temporary accommodation centre for refugees in Harmanli was reported — located near the Turkish border.⁶⁶

- Discriminatory practices against immigrants.

According to Bulgarian human rights organisations, discrimination against immigrants, especially on racial and ethnic grounds, is increasing in Bulgaria.⁶⁷ This is generally reflected in the growth of anti-immigration propaganda and rhetoric on behalf of right-wing radical parties on television, among other things.

Thus, Bulgarian Helsinki Committee (BHC) made a claim in 2013 against a series of xenophobic statements directed at immigrants, which sounded in a number of television programmes in 2012–2013 on “Alfa” TV channel — controlled by the “Attack” party — and, especially, in Magdalena Tasheva's TV programme “V okoto na buryata” (Storm on the eyes), who is also a member of this party. The complaint refers to a number of programmes on Syrian refugees, where they are called “devils,” “murderers,” “cannibals,” “savages,” “Islamist fundamentalists fleeing justice” and so on. In this case, BHC will represent a group of Syrian refugees.⁶⁸

- Use of the “ethnic crime” theme in order to discriminate against immigrants.

Magdalena Tasheva, member of the radical nationalist party “Attack” and host of a TV programme “Storm on the eyes” on “Alfa” chan-

nel, has repeatedly brought up the topic of Syrian refugees (see above) as the source of crime in Bulgaria. In particular, Tasheva predicted that these refugees will soon “begin to rape Bulgarian women and cut their heads off, like they used to do in Syria.”⁶⁹

- Social assistance for immigrants.

Article 28 of the Law on foreigners states, that for foreigners under the age of 18 years, who found themselves unaccompanied by parents or legal guardians, the State Agency for Child Protection provides the necessary financial support to meet their basic needs, medical care, as well as access to free education in Bulgarian public and municipal schools, until the final settlement of the investigation into their stay in the country, but no later than them reaching the age of 18 years.⁷⁰

According to Article 26 of the Law on Asylum and Refugees, children under the age of 18, have the right to education in public and municipal schools in the Republic of Bulgaria.

According to Article 29 of the Law, refugees have the right to accommodation and food on the road or at the reception centre, as well as the right to social support, mental healthcare, medical insurance and free medical care to the extent determined for Bulgarian citizens (the same applies to people who have received temporary protection, according to Article 39). Furthermore, according to Article 32, foreigner with a refugee status can receive financial support for renting accommodation for up to six months. According to Article 49 of the Law on Asylum and Refugees, there is a network of integration centres for refugees, which operate courses of Bulgarian language, vocational training, etc.

In 2011, a special National programme for the integration of refugees had been adopted, aimed at strengthening their social, economic and political integration into the Bulgarian society.

- Negative attitude of the community towards immigrants, foreigners, various ethnic groups.

Bulgaria is a multinational country. According to the 2011 population census, the country is inhabited by 325,345 Roma (or slightly less than 5% of the total population) and 588,318 ethnic Turks (or under 9% of the population). Observers claim that these figures are inaccurate, since more than 600,000 residents of the Republic did not answer the question about their ethnic origin in the population census, and officials did not conduct a proper survey in the majority of Roma communities, many of which did not participate in the census at all.

According to the survey conducted by the “Open Society” Foundation, results of which were published on September 26, 2012, only 50% of Bulgarians would not mind if their neighbours were Chinese, and

only 47.6% would accept Roma neighbours. 62% were ready to accept Turkish neighbours. 17.9% would be willing to marry a Roma, 19.9% — Chinese, 20.3% — Arabs, 29.4% — Turks.⁷¹ A myth circulates amongst the population, that all Roma live on benefits, and that huge amounts of taxpayer’s money is spent on their integration.⁷²

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence and improvement of immigration laws	5
-/×	Authorities’ compliance with such legislation (law enforcement practice)	2.5
×	Discriminatory practices against immigrants	-5
×	Use of the “ethnic crime” theme in order to discriminate against immigrants	-5
×	Social assistance for immigrants	5
×	Negative attitude of the society towards immigrants, foreigners, various ethnic groups	-5
	Total for section 6	-2.5

7. Incitement of religious and ethnic hatred

Indicators

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

Most calls for ethnic hatred come from the radical right-wing party “Attack,” as well as a whole number of journalists, known for their xenophobic views. In general, these appeals are directed against three groups of the population: Roma, sexual minorities⁷³ and, recently, against Syrian immigrants (see above). However, there were also some anti-Semitic attacks in the media, especially after the terrorist attack against Israelis in Burgas, in July 2012.⁷⁴

As for graffiti, this problem is a serious concern to the authorities. It has reached the point where the Mayor of Sofia Yordanka Fandukova agreed to participate in the joint action organised by several of Bulgarian NGOs on November 25, aimed at cleaning the city of neo-Nazi and xenophobic graffiti.⁷⁵

It is also worth mentioning, that the façade of the Bulgarian anti-fascist union club in Kyustendil was damaged in summer of 2012.

- Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.

In the 2000s, Bulgaria had a significant presence of ultra right-wing musical groups, however, currently have all been disbanded.⁷⁶ Similar bands from abroad are also not touring in Bulgaria. Obviously, the interest in this kind of “cultural nationalism” is not high amongst Bulgarians.

This cannot be said about radical nationalist literature. In recent years, books such as “My Struggle” (“Main Kampf”) by Adolf Hitler, works by Goebbels, as well as foreign and Bulgarian nationalists and Holocaust deniers, such as R. Harwood, A. Panaiotov, B. Stankov, etc., are enjoying increased popularity and are freely sold. There is a number of publishers of such literature. Most popular among them is the “Zhar Ptitsa” (“Firebird”), owned by Galin Yordanov.

Nonetheless, despite the obvious facts of violation of Article 162 (1) of the Criminal Code of Bulgaria, which provides for responsibility for distributing racial hatred, not one criminal case, against authors or publishers of neo-Nazi literature, was instituted.⁷⁷

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts	-5
	Total for section 7	-10

8. Radical nationalist groups and parties

Indicators

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities)

Bulgaria has several large radical right-wing organisations. First of all, it is the parliamentary party “Ataka” (Attack) — 9.4% votes at 2009 parliamentary elections, and 7.3% at 2013 elections). The second

largest nationalist party is VMRO (Bulgarian National Movement). Bulgarian National Union (BNU) organisation, created in 2001, is positioning itself as the heir to the Union of Bulgarian National Legionnaires — a fascist organisation of the interwar Bulgaria.

- Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.

In its programme, “Attack” talks about Bulgaria as a mono-national, mono-confessional and mono-cultural state, where there cannot be multiple faiths, ethnicities and cultures. The party advocates banning state media publications in languages other than Bulgarian. They are also proposing to introduce strict sanctions for “blasphemy against Bulgaria,” introduce “national betrayal” to the Criminal Code and hold a trial against “traitors.” Economic policy of “Attack” party involves “Bulgarianisation” of trade, manufacturing and banking, essentially closing these fields to non-Bulgarians.⁷⁸ The party also proposes asserting Orthodoxy as an official religion in Bulgaria, and introducing religious education in primary school. “Attack” also advocates the need to create a state programme to control and eradicate gypsy crime.⁷⁹

The Bulgarian National Movement (VMRO), positions itself as “patriots, traditionalists and conservatives.” The party advocates “unification of Bulgarians” referring to the accession of part of Macedonia to Bulgaria. VMRO also stands for introduction of Orthodox Christianity as a state religion. Of other confessions, only the “traditional” ones will be allowed to operate in Bulgaria.⁸⁰ Regarding Roma, which VMRO accuses of parasitism, the party proposes to introduce labour service and cancel the “unreasonable,” in their view, social benefits.⁸¹

On February 15, one of the organisers of “Lukov Marsh” Plamen Dimitrov (Bulgarian National Union) stated, that if the march is banned, Sofia will see riots organised by skinheads.⁸²

On October 26, leader of the “Attack” party V. Siderov, called for a moratorium on the construction of mosques, explaining it with the fact that Bulgaria is an Orthodox country.⁸³

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.

Right-wing radicals have a certain influence in the rural areas of Bulgaria. Their 7–10% level of support is so far the maximum, so one can conclude that the influence of radical nationalists in Bulgarian society is limited.

- Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.

Radical nationalist influence over the local government authorities remains insignificant. They lost the 2011 elections and only managed to bring forward one candidate into the post of Municipal Adviser of Sofia — a member of VMRO Angel Djambazki.⁸⁴

- Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.

“Attack” party received 9.4% votes at the 2009 parliamentary elections, earning 21 seats and becoming the fourth largest faction. However, since then, 11 deputies resigned from the parliamentary group, leaving it with just 10 members just before the 2013 elections. VMRO was not present in the parliament since 2001.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities)	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities	-5
-/×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations	-2.5
-	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies	0
-/×	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies	-2.5
	Total for section 8	-15

9. Extremist and radical nationalist public actions

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

None of the radical nationalist events were prohibited by the authorities.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

On February 18, around 1,000 right-wing activists held a “Lukov March” in Sofia, commemorating the cavalier of Hitler’s “Iron Cross,” Bulgarian general Hristo Lukov. This was the largest action organised by Bulgarian right-wing activists. This march represents a public demonstration and propaganda of neo-Nazi ideas and discrimination. The participating skinhead youth with tattooed swastikas, holding torches and gesturing Nazi salutes, resembled the picture of Nazi processions in Germany in 1930s.

During the torchlight procession in the capital of Bulgaria, participants shouted extremist slogans, such as “For Bulgaria freedom or death!”, “Death to all communists!”, “Macedonia was and is Bulgarian.”⁸⁵

On June 14, “Attack” and VMRO organised a protest rally against the installation of loudspeakers on the Sofia mosque, which gathered around 100 people.⁸⁶

On June 30, “Attack” and VMRO held a “counter parade” against gay-pride, gathering 200–300 people, who believed that the gay parade is part of a conspiracy to destroy Bulgaria.⁸⁷ During the gay parade itself, “Attack” supporters were attempting to provoke a fight with the gay-pride participants, claiming that their procession is desecrating the monument to Vasil Levski, hero of the fight for the liberation of Bulgaria from the Osman rule.⁸⁸

In October, “Attack,” VMRO and National Front for the Salvation of Bulgaria held a rally in Pazardzhik, protesting against wearing of religious clothing and the spread of Islam⁸⁹

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

The rally against the demonstration protesting the installation of speakers on the Sofia mosque was participated by a member of Sofia City Council Angel Djambazki

- Presence of “football xenophobia” and racism amongst sports fans.

Lately, football racism is becoming increasingly widespread in Bulgaria. Groups of radical right-wing football fans are emerging across the country, and the radical nationalist parties are gladly banking on them.

On March 3 2012, in Sevlievo, Gabrovo region, a radical right-wing group covered the “Rakovski” stadium with swastikas and neo-Nazi graffiti during a football match.

On October 12, during the match between Denmark and Bulgaria, Bulgarian fans shouted racist insults against a black Danish football player Patrick.⁹⁰

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities	0
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities	–5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies	–5
×	Presence of “football xenophobia” and racism amongst sports fans	–5
	Total for section 9	–15

10. Racist attacks, violence and terror

Indicators

- Vandalism in cemeteries, attacks on religious buildings.

In January, vandals threw Molotov cocktails at the office of the regional mufti in Varna. In September, hooligans left graffiti on the Jewish monument in Pleven.⁹¹

- Inter-ethnic clashes instigated by xenophobia and radical nationalism.

Such cases were not recorded by monitoring in 2012.

- Cases of violence, including murder on racial, ethnic and religious grounds.

Bulgarian capital Sofia was the main arena for attacks:

On February 3, neo-Nazis attacked the participants of an anti-fascist concert in Sofia’s club “Mixtape 5.” At least two people were injured.⁹²

On February 14, skinheads assaulted a Roma poet and journalist Hristo Hristov.⁹³

In June, a group of Mormon missionaries in Sofia were also attacked.⁹⁴

On September 21, four anti-fascists arriving from Germany were attacked.⁹⁵

On October 5, a group of 12 neo-Nazis attacked and brutally beat two Afghan refugees, one of whom was hospitalised in a coma.⁹⁶

- Terrorist attacks on the basis of radical nationalism and religious fanaticism.

On April 19, a fight occurred in the village of Pravishtta, located near Plovdiv, between the locals and the Roma workers, resulting in a death of one of the local residents who tried to separate the opponents.⁹⁷

On June 29, a bomb was detonated in the village of Sandanski, planted in a bag in front of a Roma restaurant and club, owned by a local leader of a Roma political party “Evrroma.” One person was killed.⁹⁸

On July 18, a terrorist attack was made in Sarafovo airport, city of Burgas. The attack was directed against Israeli tourists, killing seven people and injuring 32. According to Bulgarian authorities, the attack was carried out by Hezbollah.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Vandalism in cemeteries, attacks on religious buildings	-5
-	Inter-ethnic clashes instigated by xenophobia and radical nationalism	0
×	Cases of violence, including murder on racial, ethnic and religious grounds	-5
×	Cases of hate crimes	-5
×	Terrorist attacks on the basis of radical nationalism and religious fanaticism	-5
	Total for section 10	-20

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

The Bulgarian Antifascist Union (BAU) is the largest anti-fascist organisation in Bulgaria, with divisions located throughout the whole country. This organisation is the only one in Europe that owns two printed publications — newspaper “Heat” (“Zharava”) and newspaper “My Faith” (“Moyata Vyara”) — published together with the Bulgarian Writers’ Union.

There is also a civil initiative “People Against Racism” (<http://stop-nazi-bg.org>), created in 2010. The initiative appeals to all caring people to “take a clear position regarding the frequent manifestations of neo-Nazism, xenophobia and racism of the radical right-wing groups in Bulgaria” and demand the authorities to combat manifestations of xenophobia and extremism.⁹⁹

Furthermore, Bulgaria also has a youth anti-fascist movement “23 September,” led by a historian Boris Boev, an active member of the Bulgarian Antifascist Union

Since 1992, Bulgarian Helsinki Committee is operating in the country, conducting monitoring of human rights violations, including the problems of xenophobia and discrimination.¹⁰⁰

“Open Society” institute is working to support Roma, helping them to defend their rights and combat discrimination.¹⁰¹

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

In 2012, BAU conducted extensive and diverse activities aimed at preserving the historical memory of antifascist resistance, struggle against neo-Nazism, racism and discrimination, as well as the resistance against the attempts to restore fascism and its establishment in Bulgarian socio-political practice.

BAU, Antifascist youth organisation and BAU’s Commission for work with the youth are the initiators of the movement for protection of the Soviet Army Monument in the centre of Sofia. In 2012, BAU and its supporters celebrated a series of historical dates across the country: April 11 — International day of political prisoners, concentration camp prisoners and victims of wars and fascism, June 2 — Day of the fallen in the struggle for liberation of Bulgaria, May 9 — Victory Day, February 23 — Defenders of the Fatherland Day, September 9 — Day of Victory over fascism in Bulgaria, and the anniversary of the September antifascist uprising in Bulgaria in 1923.

In October 2012, the annual patriotic, antifascist and frontline song festivals “Silver Orioles” and “Alesha” were held once again, with an active support of the “Sustainable Development of Bulgaria” Fund. These approved national events have a large public resonance and a large fan base. In 2012, a song contest “No to neo-Nazism” was held in Stara Zagora, with the support of BAU, and dedicated

to the Victory Day, May 9th. The contest was participated by many generations, with performances of antifascist, frontline and patriotic songs.

Civil Initiative “People Against Racism” made a number of statements, directing an appeal to Sofia Administration and the Human Rights Ombudsman on February 5, demanding to ban the so-called Lukov March. The statement noted, that march is used to glorify Lukov’s views and impose his anti-Semitic ideology on the society.¹⁰² On February 6, the organisation issued a press release about the attack on the antifascist concert that was held at Mixtape 5 club in Sofia.¹⁰³

On February 18, another statement dedicated to inaction of authorities in relation to the Lukov March had appeared. “How long will the European capital will willingly provide the streets for racists and neo-Nazis? We need to protect our city, dignity and safety of its residents. When neo-Nazis attack one — they attack us all. Inaction is the same as supporting them.”¹⁰⁴

On October 6, a protest was published against delaying the criminal investigation into the Nazi attacks against antifascists in 2010.¹⁰⁵

Bulgarian Antifascist Union, Bulgarian Helsinki Committee, Bulgarian Ombudsman, European Network Against Racism (ENAR), and a number of left-wing youth organisations have come forward with declarations condemning the conduction of Lukov March, but, unfortunately, the government left this unattended.

On February 3, an antifascist concert was held at Mixtape 5 club in Sofia.¹⁰⁶

In the city of Stara Zagora in 2012, progressive community led a fight against right-wing parties intention to set up a memorial plaque dedicated to the collaborationists that were convicted by the Peoples Court in 1946, court sentences were read in the presence of mothers and relatives of the fallen antifascists. On 11th of April 2012 — the International Day of political prisoners, liberated concentration camp victims, and victims of fascism and war — an exhibition of portraits of dozens young men who were murdered in Starozagorski region was set up in the city centre. The exhibition stirred up the region’s public, resulting in Stara Zagora regional administration cancelling the municipality’s decision to install a memorial plaque to the sentenced by Peoples Court.

On May 24, at the initiative of the Organisation of Jews in Bulgaria, “Shalom,” a memorial rally was held in Haskovo town, with the laying of flowers to the monument of Jewish antifascist victims.¹⁰⁷

In September 2012, several hundreds of Bulgarian Muslims gathered in Pazardzhik, protesting against the trial over 13 Muslim clerics,

who are accused of preaching radical Islam. The accused are suspected of belonging to Al Wakf Al Islami — organisation that is banned in Bulgaria. Muslims, however, believe that this trial is a “reprisal against Islam.”

- Presence of anti-racist and anti-fascist civic initiatives.

On March 3, in Sevlievo, Gabrovo region, the residents removed the swastika and xenophobic graffiti painted by nationalists on the walls of the stadium.

An international meeting of the European Grassroots Antiracist Movement (EGAM) was held in Sofia on June 28 — July 1. Its participants shared their experience in organising antiracist initiatives.¹⁰⁸

On June 30, Sofia held a gay parade, gathering around 1,000 participants.¹⁰⁹

On July 26, Bulgarian Helsinki Committee (BHC) warned the Mayor of Sofia Y. Fandakova to refrain from demolishing the Roma ghetto, since this violates the European Convention on Human Rights.¹¹⁰

On September 30, “Shalom” organisation celebrated the European Day of Jewish Culture.¹¹¹

On November 23, LGBT activists held a press conference, where they appealed to give citizens the right to determine (and change) their gender.¹¹²

On November 25, volunteers from various ethnic communities in Sofia cleared swastikas and other symbols of hate from the buildings in Sofia. This campaign was organised by “Ethnopolitra” foundation, partnered with the Jewish community “Shalom,” Ronald S. Launder Foundation, Federation of Zionists in Bulgaria and others¹¹³

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-racist and anti-Nazi movements and parties	5
×	Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations)	5
×	Presence of anti-racist and anti-fascist civic initiatives	5
	Total for section 11	15

12. Glorification of German National Socialism and collaborators of Nazi Germany

Indicators

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

Such cases were not recorded by monitoring in 2012.

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

The tendency to glorify the fascist past does exist in Bulgaria. In Provadia, a memorial plaque was set up, dedicated to several police officers who murdered 18 antifascists without trial or sentence in the space of two months, up to September 9th 1944 — the antifascist uprising in Bulgaria. They were later sentenced to death and were executed for their crimes.

Such manifestations are noted in a number of regions of Bulgaria.

In 2012, a monument to soldiers of the fascist regime and Hitler's army that were killed in Kyustendil during the British-American bombing in World War II was installed at Kyustendil cemetery, next to the monument to the fallen antifascists. The monument was built with the assistance of Lily Schmidt — a Bulgarian living in Germany. Despite the protests of antifascists and the public, Kyustendil municipal administration did not take any steps to dismantle the monument.

- Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities.

Such cases were not recorded by monitoring in 2012.

- Historical revisionism, Holocaust denial.

Such cases were not recorded by monitoring in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition	0

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers	-5
-	Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities	0
-	Historical revisionism, Holocaust denial	0
	Total for section 12	-5

13. Persecution of veterans and partisans of the anti-Hitler coalition and anti-fascists

Indicators

- Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.

Such cases were not recorded by monitoring in 2012.

- Restrictions on human rights and anti-fascist organisations imposed by the authorities, bans to entry or exit imposed on anti-fascists by the authorities, inaction of the authorities.

Such cases were not recorded by monitoring in 2012.

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

Such cases were not recorded during the observed period. However, it is worth noting that the social and medical support of veterans of the antifascist movement is just symbolic in Bulgaria. Many active members of the antifascist resistance, who contributed to the defeat of fascism, currently find themselves in a difficult financial situation.

In 1995, an Act was passed, recognising participants of the antifascist resistance as participants in the Second World War allied with the anti-Hitler coalition, not providing for any financial benefits for antifascists. However, four years later, even this law was cancelled. Later, pub-

lic representatives from the Bulgarian Socialist Party introduced a bill to the National Assembly, according to which the members of antifascist resistance would receive the deserved moral appreciation, however, this bill never passed as well.

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists	0
–	Restrictions on human rights and anti-fascist organisations imposed by the authorities, bans to entry or exit imposed on anti-fascists by the authorities, inaction of the authorities	0
–	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists	0
	Total for section 13	0

14. International aspect

Indicators

- Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities.

To date, Bulgaria has signed and ratified the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, and the Framework Convention on the Protection of National Minorities.

Bulgaria has not signed the European Charter European Charter of Regional Languages and Minority Languages, the Convention on the Participation of Foreigners in Public Life at Local Level, or the Additional Protocol to the Convention on cybercrime, which criminalises the acts of racist or xenophobic character committed through computer systems.¹¹⁴

- Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period.

During the observed period, Bulgaria did not join any international agreements, or resolutions of United Nations or other international organisations aimed at the struggle against Nazism, racial discrimination, protection of minorities, etc.

- International declarations and initiatives of the monitored countries and the leading politicians against discrimination, neo-Nazism and xenophobia.

No international initiatives or statements concerning the struggle against racism and discrimination from Bulgaria’s side were noted.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities	5
–	Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period	0
–	International declarations and initiatives of the monitored countries and the leading politicians against discrimination, neo-Nazism and xenophobia	0
	Total for section 14	5

CONCLUSION

Implications for the development of the country and society, based on the analysis of factors and taking into account the aspects listed below.

1. Human Rights

- *Guarantees for minorities against any form of discrimination.*

Minorities in Bulgaria are partially protected by certain Articles of Bulgarian Constitution, the Criminal Code, and the Law “On Protection against Discrimination.”

At the same time, the anti-discriminatory articles of the Criminal Code are not used in practice; the Criminal Code does not contain provisions that recognise racial, religious or other prejudices as an aggravating circumstance in the commission of crimes. Bulgaria also lacks the law governing the rights of national minorities. Therefore, there is no legislative mechanism in the country for implementing the provisions of the Framework Convention for the Protection of National Minorities, which the Republic has formally joined. As a result, their protection is carried out through a series of normative acts, which do not include a number of important areas — education in particular. Furthermore, there is no legislation on combating crimes against LGBT. Thus, minorities in Bulgaria cannot be fully guaranteed against discrimination.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.)*

Lack of a legislative mechanism prevents Bulgaria from effectively carrying out the provisions of the Framework Convention for the Protection of National Minorities. Furthermore, Bulgaria did not join a number of international agreements on human rights. The adopted national and international programmes for Roma integration, support of minorities, etc. are performed poorly at places, which is evidenced by the occasional attempts of regional authorities to evict Roma from their homes without providing them with alternative accommodation.

- *Differentiation in rights and freedoms of the titular nation and ethnic minorities.*

Such differentiation exists in practice. Roma are facing discrimination in access to housing, education and labour market. The main problem of Bulgarian Turks remains the lack of education in their native language. So far, the authorities are refusing to admit the existence of such ethnic minorities as Macedonians and Pomaks, which creates a threat of their forced assimilation.

- *Legislation enshrining inequality of minorities.*

It is worth drawing attention to the legislative ban of public speeches in languages other than Bulgarian, which is discriminatory towards the rights of national minorities to participate in public and political life. Bulgarian Parliament's refusal to cancel this ban in June 2012 shows the ruling elite's reluctance to change this state of affairs.

- *Rulemaking in protection of minorities.*

Such cases were not recorded during the observed period.

- *Freedom of speech violations.*

According to Reporters Without Borders organisation, Bulgaria ranks 87th in press freedom index out of 179 countries. It is important to note that in 2007, just before it joining the EU, Bulgaria ranked 35th.¹¹⁵ The main complaint against Bulgaria from both the human rights organisations and the European Commission, is the presence of political pressure on journalists, the high level of corruption and excessive concentration of media ownership, opacity of funding, and lack of an effective media watchdog.

- *Legislation and law enforcement practices concerning migrants.*

Bulgaria has a well-developed migration legislation and programmes for immigrant integration. The number of immigrants is currently relatively low, but tends to increase, since the country is becoming one of the main transit points for migration flows from Turkey into EU. In this regard, Bulgaria faces the problem of exhaustion of resources devoted for integration and upkeep of immigrants. The increase of Arab immigrants from the East was exploited by the right-wing radicals to incite ethnic hatred, which given the inaction of the relevant articles of the Criminal Code, could lead to unpredictable consequences.

2. State of the society

- *Risk of violation or non-compliance with the acting laws directed at protecting the rights of minorities; risk of discriminatory practices against members of minorities.*

The legislative framework directed at protection of minorities is imperfect in Bulgaria, and the performance of Bulgarian law enforcement is unsatisfactory. This is expressed in the absence of hate crime statistics, in attempts to classify such crimes as domestic and in failure to execute the legislative acts aimed at combating xenophobia and discrimination. This is actively exploited by radical nationalists, who are actively inciting ethnic and religious hate in the country, finding the support of 10% of Bulgarian population.

On the other hand, there is a such a problem as the reluctance of Bulgarian authorities to accept the educational and linguistic rights of a whole number of ethnic minorities, leading to tensions in their environment, which is trying to resist the forced assimilation. All this poses a threat to stability and cohesion of Bulgarian society.

- *Subject of identity — how manifestations of xenophobia and extremism affect the identity of minorities, as well as identification of minorities on the part of the majority (growth of social phobias).*

Against the background of the recent economic crisis, xenophobia is continuously capturing new layers of Bulgarian society. Xenophobia directed at Roma is widespread and supported by the media. Bulgarians perceive the Roma as “the nation of thieves and slackers,” receiving benefits at Bulgarians’ expense. Another widespread phobia is directed at Turks, since Turkish minority is perceived as the “fifth column.” Macedonians and Pomaks are also in a difficult situation, as the authorities are basically denying them the right to exist, considering them Bulgarians. They are facing the direct danger of forced assimilation and loss of identity.

In the face of growing xenophobia, imperfection of the legislative base and a malfunctioning anti-racist criminal legislation, national minorities prefer to solve their problems by immigrating to more developed countries, and creating the corresponding problems in these countries (eviction of Bulgarian and Romanian gypsies in Italy and France in 2012).

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socio-economic development of the country)

- *Standard of living.*

According to the prosperity index, conducted by Legatum Institute, Bulgaria ranks 48th, finding itself in the last five European countries (Albania being the only country that ranked lower).¹¹⁶ However, one cannot say that the decline in the standard of living was due to the increase in xenophobia and extremism. The main cause lies with economic factors.

- *Economic turmoil and instability.*

In 2012, Bulgarian GDP rose by 0.8%, while the unemployment rate is at 12%. According to researchers, poverty is the main trigger of xenophobia. Poverty contributes to the growth of anti-gypsy xenophobia, as a significant part of the population believes that Roma are “eating their lunch.” The reduction in rate of production leads to emigration of the workforce population. Currently, we can note the mass emigration of gypsies, mainly caused by xenophobia (along with poverty).

- *Decline in production growth, emigration of the labour force.*

The reduction in rate of production leads to emigration of the workforce population. Currently, we can note the mass emigration of gypsies, mainly caused by xenophobia (along with poverty). This emigration, in turn, became the cause of serious socio-political crisis in countries like Italy and France, which are not prepared to accept such a large group of immigrants, even within the European Union.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

The increasing pressure on minorities, which make up a large part of the country's population, along with the passiveness of the government, could lead to an increased social conflict and instability in Bulgaria. Bulgarian gypsies are finding themselves in the most difficult position, being currently forced to return from the more prosperous countries like Italy and France, which are refusing to accept them. In Bulgaria, they are once again faced with the years of unsolved socio-political issues that affect them directly. This could lead to a surge in ethnic conflicts in the nearest future.

- *Impact of xenophobia and extremism in the country on the issues of external security, on relations with third countries and the international security in the region as a whole.*

Growth of xenophobia that, along with poverty, became the reason for mass emigration of Roma into Italy and France, has already led to tensions with these two EU countries. The conflict was only resolved by Bulgarian government's agreement to accept the Roma immigrants back in 2012. There are also certain problems in relations with the former Yugoslavian republic of Macedonia, which is openly worried about the rhetoric of certain Bulgarian politics on the "reunification of Bulgarian lands."

RECOMMENDATIONS

1. *General recommendations for the accession to international agreements and conventions.*

Bulgaria should ratify the European Charter of Regional and Minority Languages, Convention on the Participation of Foreigners in Public Life at Local Level and an Additional Protocol to the Convention on Cybercrime, which criminalises the racist and xenophobic acts made through computer systems. This would be an important catalyst to align the seriously imperfect regarding minority rights internal legislation of

the country with the international provisions. Given that the glorification of Nazi past has become commonplace in Bulgarian life (Lukov march, erection of monuments to the soldiers of Hitler's bloc, desecration of antifascist and Soviet monuments), it seems appropriate to recommend Bulgaria to join the resolution directed against glorification of Nazism and certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance, which is annually adopted by the UN General Assembly.

2. *General recommendations for adjustments to the legal framework.*

Bulgaria is recommended to adopt amendments to the Constitution and other legislative acts that regulate the use of minority languages, opportunities to study in native language, etc. It is also important to adopt the "framework" law on national minorities. Furthermore, amendments should be made to the Criminal Code, which would make it possible to recognise racism and other manifestations of hate towards specific groups of the population as aggravating circumstances in the commission of crimes. It is also necessary to remove the legislative ban on public speeches in languages other than Bulgarian, as it violates the rights of ethnic minorities to participation in public and political life.

3. *General recommendations for the executive bodies in the field of law enforcement and human rights.*

Bulgaria should recognise the presence of Macedonian and Pomak ethnic minorities, and take steps towards the establishment of an education system in minority languages, including the Turkish minority. It is necessary to increase the efficiency of integration programmes for Roma and stop the practice of their eviction without providing alternative housing. Consideration should be given to the system of measures to eliminate discrimination of Roma population in medical and educational fields.

Given the rise of xenophobia in Bulgarian society, which is accompanied by the established facts of incitement of ethnic hatred and even extremist attacks against members of national minorities and antifascists, the government should demonstrate political will and start using the "dormant" anti-racist articles of the Criminal Code. It seems that the leadership of the Ministry of Interior already understands the dangers of growth in hate crimes, in connection with which several training programmes for law enforcement employees were implemented in 2012. However, so far this has not been reflected in law enforcement practice. The forecasted influx of refugees from Syria and other Asian and African countries, as well as the desire of right-wing radical parties to exploit this fact to incite ethnic and religious hatred, significantly increases the urgency of this problem.

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SUMMARY OF INDICATORS FOR 2012

No.	INDICATORS	SCORE
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-10
2	Xenophobia and inflammatory statements by members of the authorities and media	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	10
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
5	Activities aimed at promoting tolerance and preventing extremism	5
6	Status of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	-2.5
7	Incitement of religious and ethnic hatred	-10
8	Radical nationalist groups and parties	-15
9	Extremist and radical nationalist public actions	-15
10	Racist attacks, violence and terror	-20
11	Presence, popularity and size of anti-fascist and anti-racist movements	15
12	Glorification of German National Socialism and collaborators of Nazi Germany	-5
13	Persecution of veterans and partisans of the anti-Hitler coalition	0
14	International aspects	5
	Total	-42.5

CROATIA

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical

Indicators

- Discriminatory legislation affecting minorities residing in Croatia in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

In June 2011 the European Union finished negotiations with Croatia about entering the EU, and in December of the same year an agreement has been signed. On the basis of the agreement Croatia joined the EU on the 1st of July thus becoming the 28th member of the EU. During the course of negotiations Croatia was subjected to vigorous checks by the European Commission. In particular, the European Commission closely studied the question of whether human rights and rights of minorities were upheld in Croatia and also carried out monitoring of cases involving various forms of racism, anti-Semitism and nationalism. The European Commission itself along with the European Commission against Racism and Intolerance stated that in 2012 Croatia has made huge progress in combating racial discrimination and intolerance.¹

At the same time it does not mean that there are no such problems in Croatia. This concerns the legislation as well.

In 2012 Croatia had three main laws, which contained elements of discrimination: the law on citizenship, the Penal Code and the anti-discriminatory law.

Amendments to the law on citizenship were accepted on the 28th of October 2011 and came into effect on the 1st of January 2012. In comparison to the previous edition, the new law tightens the requirements, which are applied to citizenship seekers, which creates circum-

stances for discrimination of permanent residents of Croatia from the representatives of national minorities and from the ranks of non-Croatians, which were forced to emigrate during military activities in the 90s.

In particular, in compliance with article 8 of the new law, seekers of citizenship are now required to have continuously lived for eight years in their registered place of residence (five years in the previous edition), have a permanent residence permit, know Croatian in Latin transcription (previously Cyrillic alphabet was adopted in Croatia) and be accustomed with Croatian culture and the “social culture,” all of which has to be determined by a special test or exam. Aside from that, the law contains a mandatory renunciation of the second citizenship, which had to be attained by many forced migrants. The European Commission against Racism and Intolerance has carried out a study which brought to light that innovations adapted into the law on citizenship infringe the right of Roma, among which a lot are illiterate and do not have command of the Croatian language. Also among the Roma there are many families that ignore the government registration of newborn children and today there are many Roma who do not have documents that verify Croatian citizenship, as well as those who only have old Yugoslavian passports.

Aside from that, P. 16 of the law on citizenship offers ethnic Croats advantages in receiving Croatian citizenship, in comparison to representatives of national minorities: ethnic Croats-foreigners or persons without a citizenship have to comply with only one of the five conditions, applicable to everybody else, namely — “respect the legislative order and customs of the Croatian Republic, as well as have a link to Croatian culture.” These conditions are discriminatory towards representatives of national minorities, even though many of them have been living in the country for a long time and some of them even for generations. It particularly concerns the Roma, part of which are simply illiterate and are far from proficient in Croatian, which may be interpreted as a weak link and even disrespect to Croatian culture. Many candidates, especially the older ones are used to using the Cyrillic alphabet for writing and for them shifting to the Latin alphabet.

Distinctively, in a report of the Labour group on the universal periodical overview, presented by the Human Rights Council to the UN General Assembly on 21.02.2011 regarding Croatia it was stated that officially Zagreb has denied claims concerning this issue by making a reference to the fact that persons of Croatian background living abroad are of special interest to the country and have the right to a simplified procedure of obtaining citizenship.

Additionally, it is mentioned in the report that “the question about determining criteria for citizenship and procedures which should be followed in that regard, including introduction of a simplified procedure for a certain category of people, remains a prerogative of any sovereign country.”²

In 2012 the Penal Code of 2006 was active in Croatia, which included P. 89, which gave a definition to the term “hate crime.”

According to this article, such a crime is “any criminal activity in compliance with the Penal Code, committed on the basis of hate towards a person on the basis of his/her race, skin colour, gender, sexual orientation, language, religion, political or other views, national or social background, material status, birth, education, social status, age, medical condition or any other characteristic.”

The European Commission against Racism and Intolerance (ECRI) in its report on Croatia (2012) concentrated the attention of Croatian authorities on the fact that among the reasons for classifying a crime as committed on a hate basis citizenship is not present,³ which in the situation with Croatia, respecting its recent history, is of significance.

On the 21st of October 2011 a new Penal Code has been embraced. It came into force on the 1st of January 2013. Its P. 87 defines a hate crime as “a criminal offense, committed on the basis of race, skin colour, religion, national or ethnic background, disability, gender, sexual orientation or gender identity of another person.” Therefore, a list of reasons in the new Code is more limited than the one in the previous article 89 of the old Penal Code and again does not include citizenship.

The same problem exists in the Anti-discriminational law of 2008 (came into force on 1.01.2009), which also excluded citizenship from the list of characteristics for the classification of a crime as one that was committed on the basis of hate.

Aside from that, as ECRI mentions in its report, the Croatian Penal Code also includes P. 328, which foresees liability for organising a criminal group. However, the listing of aims of such a group lacks racism.

An important anti-discrimination moment in the Croatian legislation is the fact that the country similarly to Latvia and Estonia can only acknowledge citizens as ethnic minorities. This directly relates to the Roma, many representatives of which do not have Croatian citizenship.

Croatia lacks a legislation, which would forbid historical revisionism and denial of war crimes, including the Holocaust, which allows various nationalistic historians to spread politics and practices of the Ustashe — Croatian Nazis of World War II — allies of Hitler.

- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

Croatian legislation does not have such restrictions.

- Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.

Such norms were not registered by monitoring in 2012.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health-care, worship, etc.

According to the census of population in 2011 the total population of Croatia is 4,284,889 people.⁴ 90.42% of this figure are Croatian.

In compliance with the country's Constitution 22 national minorities reside in the country. These are Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ukrainians, Ruthenians, Bosnians, Slovenians, Montenegrins, Macedonians, Russians, Bulgarians, Polish, Roma, Romanians, Turkish, Albanians and Wallachians.

The largest national minority are the Serbs (4.36%), the number of which decreased by three since 1991. The size of other minorities of the country is less than 1%.

Regardless of the major progress in questions of equality, which occurred in Croatia in the last years, discriminatory practices are still present here.

Observers pay attention to right violation of mentally challenged persons (a lack of professional centres for their housing and treatment), overpopulation of refugee centres, as well as discrimination of national minorities — mostly Roma and Serbs. They represent the mostly discriminated population groups, which is visible before all else in the spheres of education and employment. Up to now segregation of Roma children is still present in general education schools, where Roma children are placed in separate classrooms. Nevertheless, after international organisations pointed out to the Croatian authorities that such practice is unacceptable, this practice has suffered alterations for the best. Another problem is the low rate of Roma with secondary education — more than 80% of Roma children do not finish school.

In spring 2012 an outrageous case took place, which attracted the attention of the Croatian public. A Roma family, citizens of Croatia, have acquired land in the Škabrnje region. This area has secured bad reputation for itself at the beginning of the 90s — exactly here in autumn 1991 a resident of Škabrnje began to massacre local residents.

Due to the purchase of the land by Roma residents of Škabrnje have protested against their settlement for a long time, saying that they fear for their lives. Local residents built fences from barbed wire around their houses, in such a way trying to protect themselves from possible “dangerous criminals.”⁵ In the end, the family was forced to leave this place. The mass media reacted to this situation with resentment; however this had no effect on the inhabitants of Škabrnje as they reached their goal.

Similar cases of discrimination with wide media coverage quite rarely happen in Croatia. Discrimination of Roma and Serbs has a hidden character. For example, members of Serbia have an off chance at getting accepted for Croatian government services, as well as often have trouble in relation to employment.⁶ Thus, in judiciary establishments there are only 1.9% of Serbs, 0.46% of them in the diplomatic service, in the ministry of defence system — 0.28% and in the ministry of culture — 1.24%.⁷

Aside from that, although the war ended 18 years ago, the question on giving compensation to relocated Serbs has not been resolved yet.⁸ One of the main obstructions for Serbian refugees who return to Croatia is also the renewal of rights as house owners, which they lost during the war.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Discriminatory legislation affecting minorities residing in Croatia in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5
-	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin	0
-	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication	0
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5
	Total for section 1	-10

2. Xenophobia and inflammatory statements of the authorities and in the media

In general, Croatian leaders try to refrain from xenophobic remarks, however a few cases were registered during monitoring in 2012.

The mayor of the city of Split Željko Kerum stated in September 2012 on Croatian TV that the Serbs in Croatia are the source of all problems, that they control the media and banks and that it harms all.⁹ In reply to that the chairman of the Serbian international congress of diaspora Zoran Jovičić called Kerum's statement an agitation to genocide and said that Croatia's leadership should refuse to acknowledge him.¹⁰

In August the president of the country Ivo Josipović, who is actually known for his tolerance, pounced with criticisms at the leader of Serb National Council Milorad Pupovac, who declined to take part in the celebration commemorating the anniversary of the military operation "Storm"* in Knin, stating that "Serbs could be present at such events if Croats could realize their past and also admit Serbian casualties." The president of the country called the leader of the Serb community "a professional Serb" and accused him of working for himself instead of the Serbs in Croatia.¹¹

Also in August a popular Croatian internet portal Jutarnji list published an interview with Croatian historian and reverend Stjepan Razum who claimed that crimes committed by Croatian Ustashe in the Jasenovac concentration camp during World War II are "a Serb fabrication."¹² It should be acknowledged that in many Croatian, Bosnian and Serbian media Razum was subjected to harsh criticism for this statement.

The media mainly publish anti-racist materials and criticize any facts of xenophobia, but sometimes articles aimed against Roma and Serbs appear. For example, in May 2012 the internet portal fizza.net published a mostly anti-Roma article, which describes the events in Škabrnje from xenophobic positions and a similar case, which took place in 2010 in Udbini.¹³

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Xenophobia and inflammatory statements of the authorities and the media	-5
	Total for section 2	-5

* Operation "Storm" — one of the key military operations in the Serbo-Croatian wars in 1991–95. Took place between the 4th and the 7th of August 1995 and ended with the victory of Croatian forces who established control lost at the beginning of the 1990s over one fifth of Croatian territory. At this, based on UN data, around 150,000 people were forced to leave the area, mostly Serbs and Roma and over one thousand Serbs were killed — *editor's note*.

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, antiracist and anti-extremist legislation, and legislation directed against incitement of ethnic and religious hatred in the country.

Croatia has a well-designed anti-racist legislation, which with a few exceptions, mentioned in Section 1, fully abides by European norms.

Aside from the country's Constitution, which guarantees each person and citizen of the Croatian Republic rights and freedoms regardless of race, skin colour, gender, language, religion, political or other beliefs, national or social background, material position, birth circumstances etc., the Constitutional law on the rights of ethnic minorities, Anti-discrimination law, the Law on teaching and learning of the appropriate languages and writing of ethnic minorities, the Law on electing deputies into the Croatian parliament and the Penal Code are included in the system of anti-racist and anti-discrimination legislation.

Separate emphasis should be put on the Constitutional law on the rights of ethnic minorities. Its statutes provide for implementation of special rights and freedoms of representatives of ethnic minorities, which they use separately or with other persons who are part of the same national minority, as well as rights to cultural autonomy (preservation and expression of cultural identity, preservation and protection of own cultural values and traditions), rights to self-organisation and banding in order to achieve common goals and rights to access to national mass media and communications in the language they use. Any form of discrimination, based the status of the national minority, is prohibited (Section 4). Members of national minorities are guaranteed equality before the law and equal legal protection.

Article 23 of the Constitutional law foresees that in the interests of improving preservation and protection of national minority rights members of the national minorities choose their representatives to take part in community life and conduct affairs on the local and regional authority levels.

The law also guarantees the right to be represented in parliament to national minorities.

It must be said that Croatia is also a part of the program "Integration of Roma 2005–2015," which may have a favourable impact on its status among EU countries.¹⁴ Since July 2012 Croatia is a member of this program and in June 2013 it became host to the annual meeting of its members.

It is important that Croatia has independent institutions of the Ombudsman (on human rights) and Ombudsmen in different areas: on rights of children, on gender equality and on rights of the disabled.

In summer 2012 the status of the Ombudsman drastically changed. Croatia's parliament strengthened the role and meaning of this instance of authority, which now had a bigger independence in comparison to other government authorities. Aside from that, he was merged with the Center on Human Rights (Centar za ljudska prava) by virtue whereof it became the central government authority responsible for observance of human rights.¹⁵ During 2012 1,849 citizens addressed the Institute on human rights with questions regarding property, citizenship and social welfare. Typically, during that time not a single report of discrimination or nationalism was filed.¹⁶

It is important that in Croatia propaganda of racism is also considered a crime, a public expression of the "idea of superiority or inferiority of any race, ethnic or religious institution, gender or nation or idea of supremacy or deficiency on the basis of skin colour or sexual orientation or other characteristics with the goal of inducing racial, religious, national or ethnic hatred or hatred, which is based on skin colour or sexual orientation."¹⁷

The State Prosecution Service of the Croatian Republic has accepted a special instruction, according to which hate crimes receive closer attention and at present cases of such crimes have special documentation.

- Presence and improvement of anti-discriminatory legislation.

Croatia has a well-developed (based on European standards) anti-discrimination legislation. It includes: Law on equality between the sexes, Law on free legal assistance, Law on foreigners, Law on asylum, civil servants act, and law on gender equality. Moreover, Croatia is one of the few countries where a Law on same-sex partnerships has been passed, which regulates the question about same-sex unions and legal consequences of such unions and also prohibits any form of discrimination, both direct and indirect, on the basis of sexual orientation.

The right to an education with the use of languages and writing of national minorities is regulated by the Law on education with the use of languages and writing of national minorities, which provides for the order of education with the use of languages and writing of national minorities, creation of schools, which function with the use of languages and writing of national minorities, employment of persons, who are members of the national minorities with the aim of teaching, publishing and translating text books with the use of languages and writing of national minorities and implementation of special programs of preserving language and cultural identity.

National minorities in the republic of Croatia choose the form of education with the use of their languages and writing by themselves, i.e. they choose a program of full education with the use of their lan-

languages and writing on condition that they have to learn Croatian language or “preservation form” — studying of a language and culture as an additional program, which includes five national subjects (language, history, geography, music and art of the national minority).

The Roma in Croatia use all rights of the minorities, however school education of Roma representatives is not provided in any of the Roma.

- Compliance of the authorities (central regional, municipal), the law enforcement and judiciary, with anti-Nazi, anti-racist and anti-extremist legislation. Compliance with anti-discriminatory legislation and legislation directed against the incitement of ethnic and religious hatred.

In general the legislation is observed save for several separate cases of discrimination related to Roma and Serbs. Nevertheless, in the last couple of years the authorities have taken active steps in order to extirpate such occurrences. Serbs have representation in the Parliament and are actively encouraged by the authorities to take part in political life of the country, including employment in the government sector.

As for the Roma, the authorities have taken a whole array of steps to liquidate segregation at schools and running large informational campaigns among the Roma population in order to integrate them into the country's education system.

In accordance with the Constitutional law on rights of ethnic minorities two new administrative bodies, which deal with questions of implementing rights of national minorities, have been created: the Council on national minority affairs, established on a national level, and councils and representatives on affairs of national minorities, members of which are selected by national minorities on local and regional administrative levels, which by itself represents one of the forms of “minority government.”

In order to provide rights to the national minorities in Croatia a Council on national minority affairs has been created. It has funds in its disposal, which it receives as part of the central government budget for realization of programs of cultural autonomy of associations and administrative bodies of national minorities. The Council on national minority affairs has the right to offer the parliament and government holding discussions of questions, which they see as important, especially regarding the upholding of the Constitution law and special laws, which regulate the rights and freedoms of national minorities.

At the same time, based on the ranking of international organisation “Human Rights Watch,” there are still problems with observing the anti-discrimination legislation of Serbs and Roma. First of all, they are expressed through the fact that the former have serious discrimination-based and other barriers during renewal of their property rights, and the

latter — during procurement of identity cards.¹⁸ That is why the work of the authorities in this sector cannot be considered as fully successful.

- Responses to hate crime (criminal proceedings against organisers and participants, convictions).

Croatia has developed a National Program on human rights with the main aim being the fight against racism and discrimination. Another by no means unimportant goal is the prosecution of crimes committed on the basis of racial intolerance. According to a governmental report, in the first half of 2012 25 cases of violations of the Anti-discrimination law have been registered. It was possible to resolve 22 cases with the help of the existing legislation: in 15 cases a prison sentence has been given,¹⁹ in 5 cases — a sentence of acquittal, in 2 other cases there was another resolution.

At the same time, based on governmental evaluations, another 13 crimes committed on the basis of racial intolerance have not been solved, although there were all means to do so. At that, if the investigation would be carried out the proper way, in 11 cases of 13 the guilty could have been subjected to administrative liability and they would receive a punishment in the form of a prison sentence.²⁰

However the total number of crimes committed on the basis of racial intolerance remains unknown. That is why an opinion exists, that the indicator of crimes, committed on the basis of racial intolerance is severely diminished. In the statistical annual review about the crime rate in the country, published by the Ministry of Internal affairs in at the beginning of 2013, there is no information at all regarding crimes committed on the basis of racism. Details about violations of the Anti-discrimination law or about cases of racial intolerance are not represented in the statistics.²¹ A conclusion can be drawn on the basis of this: on the eve of entering the EU such information was withheld on purpose.

Meanwhile, Croatian law enforcement authorities and courts are known for their tolerance and expressions of neo-Nazism, which is why accusations of national-radicals end up with their acquittals. For example, at the beginning of 2012 a citizen of Croatia was convicted of selling T-Shirts with sentence “Always ready to defend our homeland!”. He was acquitted by the court some time later. It is important to note here that this slogan belongs to the fascist organisation of Ustashe of 1941–1945. If one draws a parallel, this slogan corresponds to the German “Sieg Heil!”. In court the citizen claimed that he did not mean anything like that and does not know who “Ustashe” are.²² Some media angrily reacted on the court’s decision by claiming that this decision describes the community as a whole.

In April 2012 the district court of the city of Split has once again acquitted a Croatian citizen for rolling out a banner with Nazi slogans right

in the centre of the city. The statements, depicted on the poster had similarities with slogans of Ustashe times and were directed against Serbs.²³

Zagreb police did not react to the actions of nationalists, who hung out Ustashe flags at crossroads — flags of Hungarian Nazis of World War II — collaborators of Hitler Germany. The guardians of order did not notice neo-Nazi symbols in this case.²⁴

The same can be said regarding the reaction of authorities to the spreading of hate in the mass media. Mainly such materials are aimed against Serbs and Roma, led often — against Jews. For example, despite of declarations of many Croatian, Bosnian and Serbian media, there was no measures have been taken regarding Stjepan Razum, who in August 2012 denied Croatian crimes in the concentration camp of Jasenovac. Also there was no criminal case opened in favor of Split’s mayor Željko Kerum, who basically made a speech with an anti-Serbian insinuation.

Therefore, it can be placed on record that Croatian authorities demonstrate their fight against hate crimes; however this struggle is not yet uncompromising and not sufficient enough yet.

- Unlawful use of anti-extremist legislation.

Facts of unlawful use of anti-extremist legislation in Croatia have not been registered by monitoring in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-Nazi, anti-racist and anti-extremism legislation, legislation against incitement ethnic and religious hatred in the country	5
×	Presence of anti-discrimination legislation	5
-/×	Compliance of the authorities (central regional, municipal), the law enforcement and judiciary, with anti-Nazi, anti-racist and anti-extremist legislation. Compliance with anti-discriminatory legislation and legislation directed against the incitement of ethnic and religious hatred	2.5
-/×	Counter-actions against hate crimes (criminal cases against organisers and participants, convictions)	2.5
-	Unlawful use of anti-Nazi, anti-discrimination and anti-extremist legislation	0
	Total for section 3	15

4. Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

In October 2012 in Brussels the award of Croatian president Ivo Josipovic and ex-president of Serbia Boris Tadić with European medals of tolerance took place. Martin Schulz and the co-chairman of the European Council on Tolerance and Reconciliation (the ECTR created this award) Viatcheslav Kantor, who presented the golden awards, noted “the exclusive personal leading role and determination of the politicians in reconciliation process in the Balkans.”

“Our generation, which went through war, is responsible for not letting it happen again. It is necessary to replace the policy of remembering conflicts of the past with a policy of tolerance and reconciliation. One must learn to forgive in order to lift the heavy burden of hate from oneself. I would like to thank Boris Tadić for his cooperation and friendship,” noted Ivo Josipovic in his speech.

The festive ceremony took place in the building of the European Parliament. “Both presidents found the courage to publicly accept and apologise for the atrocities committed in Bosnia and Herzegovina during the war, which devastated the region in the 1990s,” was said in the official ECTR description. “Presidents Josipovic and Tadić lead the way to defeating stagnation, which strengthened friction and distrust between the nations. Thanks to their efforts, the process of reconciliation gained momentum in Croatia as well as in Serbia. They lay the foundation for the development of culture of commemoration and tolerance in Southern-East Europe, which are the basis for further democratization and reconciliation.”²⁵

It should be acknowledged that the Croatian president, personally being loyal to the ideals of tolerance, has many times spoken out against xenophobia and radical nationalism. He not only offered his apologies to the Bosnian nation, but also apologized to the Jews for the Holocaust, in which the Croatian Ustashe took active part.

Thus, on 16.02.2012 Croatian president Ivo Josipovich, while on an official visit to Israel, made a statement in front of deputies of the Israeli Parliament. He offered his apologies to the nation of Israel for crimes committed against Jews on the territory of his country during World War II.

He also reminded of the necessity to tell children of the Holocaust, in order to prevent a recurrence of such a crime against humanity. The president of Croatia also noted that in his country work is underway regarding amendments to the law on compensations, in compliance to which victims of the Holocaust are entitled to compensations.²⁶

The Croatian president has also many times expressed his opinion on the consensus of mutual understanding with Serbs, despite of different views on history.

Josipovic is as obviously disposed against modern nationalists. On the 12th of April, on the eve of an international nationalist conference in Zagreb Croatia’s president harshly judged this event by stating, “Among the participants there are those who seriously challenges Croatia’s territorial integrity, who propagates hate in their programs. I am displeased that they are going to be here.”²⁷

The prime minister of the country Zoran Milanović has also spoken out against radical nationalism on numerous occasions.²⁸ In June 2012 he told of the intention of his Leftist government to increase the rights of same-sex couples.²⁹

Minister of Foreign Affairs of Croatia Vesna Putic welcomed the gay parade in Split in 2012. He urged to give persons of non-traditional sexual orientation “support in their fight against discrimination, for equality and against violence.”³⁰

Home Secretary of the country Ranko Ostojić has spoken out in a similar manner.³¹

Croatia actively collaborates with the International tribunal on former Yugoslavia. At that the country’s top leadership has many times confirmed the current liabilities of the country to investigate and judge those, who committed crimes against humanity in the 90s.³²

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
	Total for section 4	5

5. Activities aimed at promoting tolerance and preventing extremism

In 2012 a few important initiatives of this kind have been noted. Here are some of them:

On the 14th of April 2012 around 150 anti-fascists gathered in Zagreb on request of the non-governmental organisation “Union against fascism” in order to express protest against the conduction of the international nationalist conference and the march, which was organized by the ethnocentric youth organization “Croatian Pure Party of Rights.”

The national radical's conference was timed to coincide with the anniversary of sentences of the first-instance court of the International tribunal on former Yugoslavia related to generals of the Croatian army Ante Gotovina and Mladen Markač, who on the 15th of April 2011 were sentenced to 24 and 18 years respectively. * “Say no to fascism!” — Croatian anti-fascists addressed their allies with such a slogan.

The conference was attended by members of various extreme right parties, including the Flemish outpost, the Bulgarian National Alliance, the German National-Democrat party, the French National Front, Jobbik from Hungary and others.

“These parties not only protect fascists, whom we defeated during World War II, but are also involved in physical violence towards all fragile population groups. It is paradoxical, but some group who take part in the nationalistic conference in Croatia, have territorial sights on a part of its territory,” it was said in a speech of Croatian anti-fascists.³³

During a protest a clash between anti-fascists and nationalists occurred. As a result one extreme rightist and four anti-fascists were detained by the police and brought to a police precinct.

On the 9th of June 2012 in Split — the 2nd largest city of Croatia — under exalted watch of police squads a gay parade took place, which was treated by many EU officials as a test for the country's readiness to join this organization. Over 500 people surrounded by almost 700 policemen marched through the city centre, carrying LGBT symbols. They were joined by five ministers, including the minister of foreign affairs, the Home Secretary, foreign diplomats and notable Croatian intellectuals. The Pride went by peacefully in comparison to the parade in 2011, when a protesting mob of a few thousand people threw bottles at the 200 gays and lesbians.³⁴ In 2012 only 40 people were detained.

On the 1st of October the ministry of science, education and sports of Croatia presented an initiative about organizing an annual award for encouraging tolerance in middle school. The letter from the ministry said that the goal of the award is the incentive of young people to take an active part in the fight against violence, attracting public attention, especially of youth and their parents to questions concerning the prevention of violence and hate, promotion of positive role models and models of behavior. In candidacy for the award students of Croatian elementary and middle schools can be proposed — those who “fight for the values of the world, tolerance, non-violence and all that is associated with the future of Croatian community,” the statement emphasizes.³⁵

* On the 16th of November 2012 the Appeals Chamber of the Hague tribunal acquitted Gotovina and Markač. They were set free in the courtroom. In Zagreb the acquitted generals were met by a jubilant hundred thousand people crowd — *editor's note*.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Activities aimed at promoting tolerance and preventing extremism	5
	Total for section 5	5

6. Status of migrants and society's attitude towards immigrants, foreigners, different ethnic groups

Indicators

- Presence and improvement of immigration law.

The Croatian Republic is currently at a crossroad of migration flows between the East and the West. In the 90s the country was abandoned by more than 500,000 refugees, many of which still have not come home, even though Croatia in comparison to many other countries is ready to accept refugees, who do not belong to the ethnic majority, with who his minority has fought side by side with weapons in arms less than one and a half decade ago.

From 2003 to 2008 around 6,500–7,500 people per year emigrated from Croatia, and in 2011 — 10,000 people. The level of emigration of Croatian citizens with a higher education reaches 29%, while the standard norm in Europe is 5–10%.³⁶ It is anticipated that with Croatia's entry into the EU the intensity of migration flows will drastically grow given that the the the unemployment level in Croatia is quite high.³⁷

At the same time, around 10,000 legal immigrants work in the country. They are employed in construction and tourism and mainly come from Ukraine, Turkey and Serbia.

It is also anticipated that after entering the EU on the 1st of July 2013 Croatia will in a major sense pick up the torch from Greece regarding fight against illegal emigration to Europe. According to information from the government, 3,461 people entered the country illegally in 2011.³⁸ In 2012 based on unconfirmed information this amount doubled itself. Mainly those are citizens of Pakistan, Afghanistan, Bosnia and Herzegovina and also Kosovo and Turkey.

Croatia is already a country that takes in refugees. According to data from the European Commission against Racism and Intolerance in the period from 2004 to April 2012, 49 people obtained international protection in Croatia, 31 were recognized as refugees and 18 received additional protection.³⁹ This is a very low intensity and if claims for refugee status increase, which will most probably happen after the

country's entry into the EU, the pressure on Croatian immigration administrative bodies and bodies responsible for reception of refugees will inevitably rise.

By entering the EU, Croatia has mainly adjusted its immigration legislation in accordance to European migration norms, as well as to the Geneva Convention on refugees of 1951 (Asylum act of 2010).

Even though the government still has not made a decision on joining the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Croatia has already accepted a wide legislative framework on human rights — migrants and their families, based on national legislation and international agreements, which it is a part of.

The basis for Croatian migration legislation consists of: Employment Law, Aliens Act, Asylum Act, Social Welfare Act, Criminal Remedy Act, Healthcare Act, Compulsory Social Insurance Act, as well as laws regarding education.

- Authorities' compliance with such legislation (law enforcement practice).

As a whole migration legislation is acted upon in Croatia, although certain problems do emerge with the level of intensity of refugee intake and also with their integration into the Croatian community. The main problem for refugees is the learning of the Croatian language. Language courses for refugees are provided free of charge, however only two of them — in Zagreb and Rijeka have appropriate licenses.⁴⁰ This complicates the process of integration and employment for the refugees. This significantly limits the flow of refugees into the country.

Also the return of refugees poses a major problem for Croatia. In the middle of the 90s as a result of the military conflict the country was abandoned by more than 500,000 people, mainly Serbs and Roma. By the end of the monitored period approximately 65% of them returned to Croatia.

Croatian authorities are making formidable efforts to facilitate the return of refugees and transferred persons in the most favourable of environments. The main remaining question is the return of housekeeper rights to refugees and the return of houses, the major part of which still has not been renewed or has been given to other housekeepers. Ethnic Croatians keep on using priority during allocation of housing to the distressed. Also topical is the question of renewing documents for the returnees.

Croatian authorities take active measures in solving problems of forced migrants from the point of giving them a right to a simplified process for obtaining a permanent residence permit and citizenship. Thus, amendments made to the law on citizenship and the law on foreigners on the 1st of January 2012 offer those repatriates, who were

residents of Croatia as of the 8th of October 1991, a simplified order of receiving a *permanent* residence permit with the corresponding right to social benefits and medical insurance, which opens up the possibility to quickly receive Croatian citizenship.

- Discriminatory practices against immigrants.

As already mentioned in Section 1, a new edition of the law on citizenship creates conditions for discriminative practices towards migrants, especially the Roma. However, taking into account the information mentioned in the previous subsection, there were no recorded discriminatory practices against migrants in 2012.

Aside from that, new amendments to the law on citizenship determine that persons who are under 60 years of age are freed from the necessity of knowing Croatian, as well as from the test on knowledge of Croatian culture and Croatia's social structure. This significantly simplifies the access to citizenship for the elderly, especially among the Roma, many of which are illiterate.

- Use of the 'ethnic crime' topic in order to discriminate against immigrants.

We cannot say that the topic of ethnic crime is widespread in Croatia; nevertheless nationalists sometimes use it in order to scare a local inhabitant about the perspectives of entering the EU. In the nationalistic media apocalyptic images of "mass import" of Chinese and Arabic immigrants are being drawn, which, from the nationalists' point of view will lead to an increase in ethnic crime.⁴¹

From the other side from time to time the topic of "war criminals" among the Serbian population of Croatia springs up.⁴²

In addition, there is the presence of Antiziganism, i.e. a fear of the Roma, who are mainly associated with common crime in the country.⁴³

- Social welfare for immigrants.

Altogether social welfare in Croatia applies to migrants as well.

In the social welfare act it is foreseen that Croatian citizens, foreign citizens and persons without citizenship, who permanently reside in the Republic, have a right to social insurance. This is with the exception of people who have a *temporary* living permit, who received it due to humanitarian reasoning. These people do not have a right to social welfare and have to pay for medical insurance. Up to 2012 this category included repatriates, who do not represent an ethnic majority, but after amendments to the law on citizenship and the law on foreigners came into force such repatriates are offered a simplified procedure of obtaining a *permanent* residence permit with the corresponding right to social welfare and medical insurance.

According to the active asylum act and laws on education school education is provided to all persons in Croatia. Elementary education and equal rights to completing education in accordance with laws is guaranteed to foreign citizens, seekers of asylum, migrants and other persons.

The right to pension insurance, which includes insurance based on disability and insurance for the cases of industrial injury and work-related disease, is acquired and implemented regardless of citizenship, nationality, skin colour, race and religious beliefs or ethnic background. At that, in the area of social insurance, the Republic of Croatia uses the system of international agreements on social welfare.

The procedure, which regulates legal employment of foreign citizens in the Republic of Croatia, is secured in the law on foreigners. In Article 86 of this law it is foreseen that the Croatian government at the suggestion of the minister who deals with employment questions, in compliance with the acting migration policy and with due account for the situation on the job market makes the decision about annual work permission quotes. Persons who do not have a residence permit in Croatia also have permission to work.

- Negative attitudes towards immigrants, foreigners, different ethnic groups.

As already mentioned, biased attitudes towards Serbs and Roma are quite widespread in the Croatian community, who often face discrimination during the process of employment and even during the search for permanent residence (see subsection of Section 1). Lately anti-Semitic dispositions have visibly decreased — not a single case of anti-Semitism was recorded in 2012. Nevertheless, biased attitudes persist.

In September 2012 an indicative case took place. Branko Lustig, a man who survived the Holocaust, who currently is a film producer and owner of the prestigious Oscar award for the movie “Schindler’s List,” which is dedicated to the Holocaust theme. The main audience should have been schoolchildren. During a meeting with schoolchildren, he claimed that after Auschwitz and Jasenovac he does not believe in God anymore. After such a statement parents of the schoolchildren and teachers decided not to view the film.⁴⁴

Such an example shows that the Croatian community has not fully perceived the meaning of Holocaust yet and is not ready for an adequate perception. In general, indifference can be observed in the community towards violation of minority rights, as well as a low education level, which relates to historical events in Croatia during World War II. Authorities do not commemorate enough attention to this question at school or preventive measure system which is aimed against racism. Many of those, who were held accountable for sparking inter-ethnic discord relate to the lack of historical information.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence and improvement of immigration laws	5
×	Authorities' compliance with such legislation (law enforcement practice)	5
–	Discriminatory practices against immigrants	0
×	Use of the “ethnic crime” theme in order to discriminate against immigrants	–5
×	Social assistance for immigrants	5
×	Negative attitude of the society towards immigrants, foreigners, various ethnic groups	–5
	Total for section 6	5

7. Incitement of religious and ethnic hatred

Indicators

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

Despite of a substantial decrease in inter-ethnic tension and passing of the anti-racist legislation, in 2012 certain anti-discriminative calls have been noted. These, before all, are the already mentioned xenophobic biddings of Split mayor Željko Kerum towards Serbs⁴⁵ and the interview of reverend Stjepan Razum, during which he justifies the crimes of Croatian Ustashe during World War II.⁴⁶

In the night from the 20th on the 21st of October 2012 Pačetin police recorded anti-Serbian graffiti that covered the facades of the Culture Center, a shop, a bus stop as well as nearby buildings. The writings included agitations to kill Serbs. Pačetin — homeland of general Goran Hadžić, former president of the Republic of Serbian Krajina, who was subjected to a court trial which began in October 2012 on a charge of crimes against humanity.⁴⁷

From time to time graffiti aimed against Roma and homosexuals also appear in Croatia.

Events in the city of Škabrnje, where locals would not let a Roma family, which bought land for construction in the city, enter (and as a result did not let enter), also became media events in Croatia in 2012,⁴⁸

even though it should be noted that the media picked the side of the Roma rather than the locals.

- Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.

A quite popular rock musician in Croatia is Marko Petrovic, who took on an alias of “Thompson” in 1991 based on the American machine-gun of the same name, which he received while being in the army, when he took part in the Serb-Croatian war in 1991–95. Later he gave the exact same name to his band.

Since 2002 Perkovic has been performing songs of Ustashe, Croatian Nazis who supported the Third Reich, of World War II times. In particular, in one of these songs — “Jasenovac i Gradiška Stara” — they praise the actions of the Ustashe in the Jasenovac concentration camp during World War II. Serbs, Jews and representatives of other “racially imperfect” nations were eradicated there.

In 2004 Thompson commented on the fact that he was accused of anti-Semitism and the ban to perform in Amsterdam by saying: “I do not have anything against Jews, but they crucified Christ”.

Thompson is supported by the neo-Nazi promoter agency “Blood and honor” (derived from Hitler Youth motto “Blut und Ehre”).

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts	-5
	Total for section 7	-10

8. Radical nationalist groups and parties

Indicators

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).

The national opposition in Croatia is divided into a systematic, i.e. qualifying as a democratic parliamentary structure of the government, and non-systematic, which represents anti-democratic, extremist positions.

The first group includes the Croatian democratic union, which in the beginning of the 00s found itself under full control of the moderate nationalists, the Croatian Party of Rights and the Croatian Pure Party of Rights, which fractured from the former some time ago. During the last parliamentary elections in 2011 representatives of the systematic nationalist opposition received a total of 9% of votes. The main directions of their ideology: Основные направления их идеологии: ethnocentrism, conservational populism, Euroscepticism, amplification of the role of the Christian church in the country. Coming from these ideological directives, one can make a conclusion that this category of nationalists fully relates to the conservative category.

The second group includes the Association of Croatian nationalists, which earlier split off the Croatian Pure Party of Rights, the Croatian national front and the “Croatian association of members of World War II and the national resistance” (Ustashe), which recently demanded from the government to ban the red star as a symbol of red partisans of the Tito times.

- Discriminatory demands towards the minorities in programmes of these parties and in statements of their leaders.

If nationalist of the first group practically do not have discriminatory demands regarding treatment of minorities, the representatives of the second group include such questions in their programs.

Strictly speaking, non-systematic rightist radicals do not have clearly expressed political goals. They often claim that they are the followers of the Ustashe ideology, which is being allowed by the Croatian legislation, which does not foresee, as already mentioned, liability for glorifying Nazism. Many consider their goal to be the construction of an authoritarian nationalistic Croatian state. They consider the regime of president F. Tuđman from 1990 to 1999 as liberal.

Meanwhile, like the majority of modern neo-fascists, non-systematic national-radicals flatly refuse any parallels between them and Nazis, stating that they are “patriots,” who are not linked to Nazism or Communism. For example, this is officially stated by the Croatian national front and its leader Stjepan Penc on their webpage.⁴⁹

Ideological elements include Euroisolationism in foreign policies and a thesis about the messianic role of the Croatian nation in western-European Catholic civilization.

A mandatory component of the programs of these parties is the slogan “Croatia for Croatians,” which implies the aspiration to gather all Croats in Croatia and deport all national minorities.⁵⁰

That same Penc, for example, including the quoted blog, has many times accused the Serbian minority of stealing workplaces from Croats, secretly influences local authorities and the country’s financial system.⁵¹

Aside from that, in the national-radical environment homophobic views are very popular, as are ideas of historical revisionism related to glorification of Ustashe and their slogans.

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.

The influence of national-radicals on the general public has significantly decreased in the last years. Those nine percent which the systematic nationalist party got during parliamentary elections of 2011 were mostly achieved due to Euroscepticism which was gradually growing in Croatia over the past few years.

Croatian nationalists were able to conduct several massive protest events in 2010–2012, which were aimed against Croatia’s entry into the EU; however that did not influence the outcome of the referendum. All in all the Croatian community is quite indifferent to raising national problems. Nevertheless — Euroscepticism and homophobia — are the two factors which allow the radical rightists to form their support group.

- Neo-Nazi and radical nationalist influence over the local legislative and executive bodies.

During elections into the local administrative bodies neo-Nazis and nationalist fringes did not gain representation. The election was won by the conservative coalition consisting of moderate nationalist democratic union of Croatia, the Croatian peasant party and the Croatian socio-liberal party.

- Neo-Nazi and radical nationalist influence over the central legislative and executive bodies.

Croatian ultra-nationalists are not represented in the Croatian parliament. Moderate nationalists, who got 9% of positions in 2011, do not hold influence over the legislative and executive power in the country. This is showcased by the victory of EU entry supporters at the referendum, as well as the strict position of president I. Josipovic regarding nationalist activities in April 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities)	-5

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities	-5
-	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations	0
-	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies	0
-	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies	0
	Total for section 8	-10

9. Extremist and radical nationalist public actions

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

Several prohibited mass activities of national radicals which took place in 2012 can be named.

On the 21st of January 2012 during the allowed demonstration against Croatia's entry into the EU the police clashed with a dozen of demonstrators who were trying to rip down an EU flag. In the result a few people got injured, 3 people were detained.⁵²

On the 13th of April 2012 an international convention of nationalist forces took place in Zagreb, which was organized by the youth wing of the Croatian Pure Party of Right led by Frane Circ. According to the words of the organiser the aims of the conference consisted of "swapping ideas, opinions and experience between nationalists of Europe."⁵³

The national radical's conference was timed to coincide with the anniversary of sentences of the first-instance court of the International tribunal on former Yugoslavia related to generals of the Croatian army Ante Gotovina and Mladen Markač, who on the 15th of April 2011 were sentenced to 24 and 18 years respectively (one year later they will be fully acquitted).

Members of various extreme right parties took part in the conference, among them the Flemish outpost, the Bulgarian National Alliance, the German National-Democrat party, the French National Front, Jobbik from Hungary and others.

In relation to I. Josipovic's harsh comments towards the realization of this event, 2 halls, which the nationalists addressed with a request regarding leasing of premises, turned them down. As a result the conference was held in the open on one of Zagreb's city squares. On the 14th of April during a protest of anti-fascists confrontations between nationalists and anti-fascists occurred. No one got seriously injured. One nationalist and four anti-fascists were brought to a police station.

On the 9th of June in the second biggest Croatian city Split around 200 nationalists tried to go through with the demonstration that was prohibited the day before against a gay parade, but because of the evident force advantage in favor of the police, which had around 700 people, they abandoned the idea, however they tried to disturb an LGBT event. Around 40 people were detained.⁵⁴

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

The most massive activity of Croatian nationalists took place on St. Marc's square in Zagreb on the 7th of January 2012. The meeting was attended by more than 10,000 nationalists, which demanded the resignation of the country's prime minister Jadranka Kosor and a stop to "persecutions" of members of military conflicts of the 90s. Ante Pavelic, the head of the Croatian fascist Ustashe organization, was not forgotten as well during the meeting, whose anniversary of his death was commemorated a few days earlier.⁵⁵

On the 21st of January in Zagreb a nationalist demonstration also took place. The demonstration of the ultra-rightists took place as a prelude to the referendum about Croatia's entry into the EU, which took place on the next day. Around a thousand people — including veterans of the war for Croatia's independence of the beginning of the 1990s — yelled slogans against entry into the EU and afterwards tried to rip down the EU flag from one of the buildings. After police intervention some people got arrested.⁵⁶

In the first half of 2012 nationalists took active part in the collection of signatures for organizing a referendum regarding the passing of a law concerning same-sex marriage. Organisers of the initiative stated that they have collected one million signatures for realizing such a referendum.⁵⁷

On the 16th of November 2012 a massive manifestation took place in Zagreb regarding the acquittal of Croatian generals Ante Gotovina and Mladen Markač at the International tribunal on former Yugoslavia.

Around 10,000 people, who expressed their delight regarding the acquittal of Croatian former military leaders, participated in the manifestation.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

Such facts were not recorded by monitoring in 2012.

- Presence of “football xenophobia” and racism amongst sports fans.

Football xenophobia and racism in the sports sphere are widespread in Croatia. Also in the 50s–60s two main alternative fan-clubs were formed in Croatia — “Torsida” and “Bad Blue Boys,” which were exclusively supporting two Zagreb teams “Hajduk” and “Dinamo.” Nevertheless, after obtaining independence several other fan-clubs were formed in Croatia. All of them were aggressively and nationalistically predisposed, particularly towards the Serbs.

During the European Football Championship in 2012 UEFA initiated three cases regarding racist outbursts from the supporters of the Croatian team — in the match against Italy towards the forward of the Italian team Mario Balotelli, in whose direction a banana was thrown and towards whom racial insults were directed by the Croatian supporters during the whole first time, as well as during matches against Spain and Ireland, where racist banners and symbols have been used, including a flag of the nationalist Ustashe army of Ante Pavelic.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities	-5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities	-5
-	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies	0
×	Presence of “football xenophobia” and racism amongst sports fans	-5
	Total for section 9	-15

10. Racist attacks, violence and terror

Indicators

- Vandalism in cemeteries, attacks on religious buildings.
Such cases were not recorded by monitoring in 2012.
- Inter-ethnic clashes instigated by xenophobia and radical nationalism.
Such facts were not recorded in the monitored period.
- Cases of violence, including murder on racial, ethnic, religious grounds and on the basis of xenophobia.

Exact statistics of hate crimes in Croatia on the eve of Croatia's entrance into the EU was unavailable. The government published information about the number of Anti-discrimination law violations for the first half of 2012, but did not provide any information on the location of the crimes or about the actual description of the felonies (see Section 3). Only several cases are known.

At the beginning of 2012 a Croatian citizen has been charged with selling T-Shirts which said "Always ready to defend our homeland!" (slogan of Ustashe during World War II). However the young man was later acquitted, because he said that he did not know that it was a slogan and did not know who the Ustashi were.

Approximately at the same time another Croatian citizen was convicted for rolling out a Ustashe flag in the city of Split.

There is also a known case of an attack on a Serbian club in Split. On the 28th of January 2012 four masked assailants entered a Serbian minority club in Split and beat up the people who were present.

That is why there is a circulating opinion that the indicator of the number of crimes committed on the basis of racial intolerance is significantly lowered. The statistical annual report about the crime rate in the country published by the Ministry of Internal Affairs at the beginning of 2013 lacks any information on racial crimes. Data about violations of the Anti-discrimination law or about cases of racial intolerance are not represented in the statistics.⁵⁸ In connection to this a conclusion can be made that information of this kind has been purposely withheld because of Croatia's entrance into the EU.

Nevertheless, based on the evaluation of the government, 25 hate crimes have been committed during that period, in 15 of which a verdict has been issued in the form of a prison sentence.

- Terrorist attacks on the basis of radical nationalism and religious fanaticism.
Such facts were not recorded by monitoring in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Vandalism in cemeteries, attacks on religious buildings	0
–	Inter-ethnic clashes instigated by xenophobia and radical nationalism	0
×	Cases of violence, including murder on racial, ethnic and religious grounds	–5
–	Cases of hate crimes	0
–	Terrorist attacks on the basis of radical nationalism and religious fanaticism	0
	Total for section 10	–5

11. Presence, popularity and size of antifascist and antiracist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

In order to organize monitoring of crimes which were committed on the basis of racism and neo-Nazism the Institute of Margelov was established in 2007 in Zagreb.⁵⁹ Its employees combat racism, often address the government with open letters hoping to improve the situation in the given area.

Lately the “Anti-fascism Union” has been very active, organizing a protest on the 14th of April 2012 against the international nationalistic conference in Zagreb — “Young anti-fascists,”⁶⁰ an organization of anarchic form, which combats glorification of Nazism, carries out monitoring of radical rightist activities and organizes concerts of anti-fascist rock bands, Association of independent media, Association of anti-fascists and anti-fascist fighters (veterans of Tito partisan groups) and also organizing “Queer Zagreb Pride” to support LGBT and “Lori organisation” (“Organizacija Lori”), which facilitated the organization of the gay parade in Split on the 9th of June.

Representatives of the centre-left Kukuriku coalition and social and communist parties hold a strict anti-fascist position.

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

From mass activities of anti-fascists in 2012 one can mention the protest against the international nationalistic conference on the 13th of April. Anti-fascist protests took place on the 11th and 14th of April. The second case even included a confrontation with the police.

On the 9th of June the above mentioned gay parade took place, which had about 500 participants. The participants were joined by several ministers of the Croatian government, foreign diplomats and a range of Croatian intellectuals.

On the 6th—8th of September 2012 in the resort town of Mostar an anti-fascist festival took place, which included seminars, presentations and performances by music bands.

- Presence of anti-racist and anti-fascist civic initiatives.

One of the more important initiatives is the initiative to resist the international conference of nationalistic organisations. A public protest has been so strong that forced the country's president I. Josipović to condemn the fact of holding the conference in Zagreb, which has cumulatively led to a situation when not a single commercial structure agreed to rent a hall to the nationalists so that they could hold the conference.

The second most important initiative was the gay parade of 2012, because the former initiative of such a type ended in a massive brawl. The fact, that Croatian ministers joined the parade shows that the country really wants to be part of the EU and in such a way demonstrates its readiness.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-racist and anti-Nazi movements and parties	5
×	Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations)	5
×	Presence of anti-racist and anti-fascist civic initiatives	5
	Total for section 11	15

12. Glorification of German National Socialism and collaborators of Nazi Germany

Indicators

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

In Croatia the glorification of the Ustashe is quite widespread. The Ustashe were Croatian Nazis, who collaborated with the Hitler regime. From the better-known cases in 2012 there is one episode with exhibition of Ustashe flags in Zagreb.⁶¹ It is worth to note a separate case, which was related to year-minds commemorating the death of Croatian Ustashe leader Ante Pavelic in two Zagreb churches on the 28th of December 2011. In response to this case a protest has been declared at the beginning of 2012 from the side of the well-known human rights organisation Simon Wiesenthal Center.⁶²

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

Such facts were not registered in 2012, although during a mass on the 28th of December 2011 in Zagreb for Ante Pavelic, guilty of mass shootings of Serbs, Roma, Jews and Croatian anti-fascists, agitation leaflets for the construction of a memorial to the main Croatian collaborator were handed out.

- Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities.

Such facts were not recorded by monitoring in 2012.

- Historical revisionism, Holocaust denial.

In 2012 there were no recorded facts of Holocaust denial. Cases of historical revisionism did occur, however. The most well-known is the interview of priest Stepan Razum, during which he denied the fact of the mass murder of Serbs in the Jasenovac concentration camp.⁶³

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition	-5

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers	0
–	Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities	0
×	Historical revisionism, Holocaust denial	–5
	Total for section 12	–10

13. Persecution of veterans and partisans of the anti-Hitler coalition and anti-fascists

Indicators

- Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.
Such facts were not recorded by monitoring in 2012.
- Restrictions imposed by the authorities on human rights and antifascist organisations. Bans to entry or exit imposed on antifascists. Authorities' inaction.
Such facts were not recorded by monitoring in 2012.
- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.
Such facts were not recorded by monitoring in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists	0

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Restrictions on human rights and anti-fascist organisations imposed by the authorities, bans to entry or exit imposed on anti-fascists by the authorities, inaction of the authorities	0
–	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists	0
	Total for section 13	0

14. International aspect

Indicators

- Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities.

The Republic of Croatia joined the following international agreements on the topics discussed in this section: International Covenant on Economic, Social and Cultural Rights, United Nations Covenant on Civil and Political Rights, International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of all Forms of Discrimination Against Women, Convention on the Rights of the Child, Convention on the Rights of Persons with Disabilities, European Convention on Human Rights, European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, European Charter for Regional or Minority Languages, Framework Convention on Protection of National Minorities, Convention on Anti-human trafficking, Convention on Human Rights and Human Dignity in Conjunction with Appliance of Biomedical Science, to which no reservation were applied.

Croatia also signed a few dozen bilateral and regional agreements which regulate questions of anti-discrimination and war on racism.

- Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period.

During the monitored period Croatia did not join any new international agreements, as well as resolutions of the United Nations and

other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities.

- International statements and initiatives against discrimination, neo-Nazism and xenophobia made by the monitored countries and their leading politicians.

In the monitored period president of Croatia Ivo Josipović made several important international statements. On the 16th of February, while on an official visit to Israel, he offered official apologies from the nation of Croatia for their involvement in the Holocaust. He also reminded of the necessity to tell children of the Holocaust, in order to prevent a recurrence of such a crime against humanity. The president of Croatia also noted that in his country work is underway regarding amendments to the law on compensations, in compliance to which victims of the Holocaust are entitled to compensations.⁶⁴

In October 2012, while making a speech in the European Parliament on the case of being awarded with a European Medal of Tolerance along Serbian president Boris Tadić, president Josipović said: “Our generation, which went through war, is responsible for not letting it happen again. It is necessary to replace the policy of remembering conflicts of the past with a policy of tolerance and reconciliation. One must learn to forgive in order to lift the heavy burden of hate from oneself. I would like to thank Boris Tadić for his cooperation and friendship.”⁶⁵

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities	5
–	Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period	0
×	International declarations and initiatives of the monitored countries and the leading politicians against discrimination, neo-Nazism and xenophobia	5
	Total for section 14	10

CONCLUSION

Consequences for the development of the country and society, based on the analysis of factors and the following aspects:

1. Human rights

- *Guarantees against any form of minority discrimination.*

Croatia acknowledges presence of minorities in its borders and gradually creates a legislative framework, aimed at guaranteeing their safety from any kind of discrimination.

At the same time the Croatian legislation contains an array of moments, which create circumstances for discrimination. In particular, the Law on citizenship of the Croatian Republic creates preferences in naturalization for ethnic Croatians to the prejudice of ethnic minorities. Aside from that, legislation allows to prescribe the title of a national minority only to Croatian citizens, which excludes a substantial number of people, who do not have Croatian citizenship but live on Croatian territory (mostly Roma), from the effect of Croatian international liabilities.

Additionally, Croatian legislation does not include liability for discrimination on the principle of citizenship, which allows for discrimination of national minorities, who previously lived in Croatia, but were forced to become naturalized in another country because of military operations. Those are mostly Serbs and Roma.

Also, the Croatian legislation does not pay enough attention to battling racist crime organisations. P. 87 of the Croatian Penal Code defines all forms of discrimination on the basis of race, religion, ethnic background etc. as aggravating circumstances during commission of other crimes, but the creation of an organization with the aim to spread racial hate or to discriminate people on a racial basis is not a crime in Croatia's legislative framework.

Apart from that, Croatian legislation does not foresee liability for denial of war crimes during World War II, including the Holocaust, which allows for glorification of collaborationists of that time with the aim of discriminating national minorities.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.)*

Croatia has ratified and as a whole follows regulations of the main international documents aimed at combating discrimination, including the Framework Convention for the Protection of National Minorities and the European Charter on Regional Languages. Nevertheless, certain problems remain with adherence to rights of national minorities. The main problem is the compensation for lost property and the restitution of rights of tenants rather than the return of refugees.

Also, Serbs and Roma still suffer discrimination in the sphere of education, during employment and during realization of other economic and social rights.

Croatia's non-alignment to the European Convention on citizenship creates circumstances for discrimination of migrants in the sphere of providing citizenship and participation in political life. In particular ethnic Croatians have advantages regarding obtainment of citizenship in comparison to representatives of national minorities, which previously lived in Croatia.

- *Differences between the rights and freedoms of the titular nation and ethnic minorities.*

Such discrimination exists and most notably concerns rights of national minorities from amongst former residents of Croatia to obtain citizenship.

- *Legislation enshrining inequality of minorities.*

To the legislation which consolidates inequality of minorities one should relate some statutes of the Law on citizenship, which describe different terms of obtaining citizenship for ethnic Croatians and representatives of national minorities, as well as certain statutes of the Penal Code and Anti-discriminatory law, which exclude citizenship from the list of parameters, based on which discrimination is possible. Aside from that, Croatian legislation does not spread the effect of the Constitutional law on national minorities onto citizens of other countries and persons without a citizenship, who live in Croatia.

- *Rulemaking in protection of minorities.*

Amendments, introduced into the Law on citizenship and into the Law on foreigners as of the 1st of January 2012 offer those returnees, who were residents of Croatia as of the 8th of October 1991, a simplified sequence of obtaining a *permanent* residence permit with the co-relating right to social benefits and medical health insurance, which allow them to quickly obtain Croatian citizenship.

- *Freedom of speech violations.*

In the monitored period freedom of speech violations have not been registered, however government efforts to hide genuine hate crime statistics have been recorded.

- *Legislation and law enforcement practices concerning immigrants.*

Croatia has migration legislation, however it cannot be described as fully satisfactory, because it bears a specific discriminatory element regarding foreigners of non-Croatian descent and persons without citizenship, who permanently reside in the country on illegal terms. This refers to various circumstances for provision of citizenship to ethnic Croats and representatives of ethnic minorities, formerly living in Croatia.

At the same time the latest amendments to the Law on citizenship and the Law on foreigners to a considerable extent, though not to the fullest, fill this void by simplifying the process of obtaining a permanent residence permit for such persons.

The question of social benefits for persons with a temporary residence permit still remains as a problem.

Aside from that, hidden practices of national minority discrimination in the questions of education and employment exist in Croatia, first of all of those from amongst the returnees.

2. State of the society

- *Risk of violation or non-compliance with the acting laws aimed at protecting the rights of minorities; risk of discriminatory practices against minorities.*

At the end of the monitored period 65% of all forced migrants returned to Croatia. At the same time, outstanding issues regarding provision of housing to such migrants with compensation for lost property, reclamation of repatriates in the eyes of housekeepers as well as questions of developing education in languages of national minorities — all of this combined creates a basis for nationalistic and remonstrative moods in their midst. For now it is possible to vanquish this protest by decisive actions of the legislative and executive rule under control of international organisations. It was especially effective on the eve of the country's entrance into the EU. However, if the problem is not going to be solved in the long term, then the remonstrative movement may take over districts of dense habitation of national minorities. Taking into consideration the still-high level of mistrust between native Croatian inhabitants and certain minorities, this problem can become one of the threats to national security.

- *Identity — how manifestations of xenophobia and extremism affect the identity of minorities, as well as majority’s identification of minorities (growth of social phobias).*

It is not right to say that xenophobia was a serious problem in Croatia in 2012. Before entering the EU the government has done everything possible to improve the standing of national minorities. Harsh observations of the country’s president towards nationalists, an array of international initiatives aimed at correcting mistakes of the past and development of tolerance — all of this gives reason to believe that the centre-left government does all things possible to increase the effectiveness of their policies regarding minorities. That is why the question of denying one’s identity is not topical in Croatia these days.

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socio-economic development of the country)

- *Standard of living.*

The financially-economic recession, which began in Europe in 2008, has not come by Croatia. By virtue of intrinsic factors the standard of living fell. Some dishonest politicians tried to blame the Serbian population; however these efforts have not led to an increase in public discontent and inter-ethnic standoff.

- *Economic turmoil and instability.*

Economic problems of Croatia, most notably the rise of the unemployment rate, have nothing to do with xenophobia, but a range of nationalistic organisations tries to find the guilty party amongst returnees of non-Croatian descent, who from their point of view “occupy Croatian working positions.” Nevertheless, by virtue of the small influence these organisations have on the Croatian public, such calls are expendable on the massive level.

- *Decline in production growth, emigration of the labour force.*

Emigration of the labour force from Croatia is existent, but carries a strictly economical meaning.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

In the last decade Croatian authorities, whose main goal was to become a member of the EU, have done a lot to increase the political sta-

bility of their country. A legislative framework was created, which addressed the rights of minorities. Anti-racist, anti-discrimination and migration legislation has been modernized. All of this, with respect to a certain law-enforcement practice aimed at improving the conditions of minorities, at satisfying the rights of the returnees, who return to the country after the military conflict of the first half of the 90s, created a basis for a long-term political stability of Croatia.

- *Impact of xenophobia and extremism in the country on the issues of external security, on relations with third countries and the international security in the region as a whole.*

The policy of Croatian authorities during the last few years, which was aimed at improving the situation in the region, as well as improving the bilateral relationship with ex-Yugoslavian republics, primarily Serbia, has led to the situation, where its foreign partners have almost no questions regarding observance of human rights in Croatia. An issue regarding returnees, realization of their socio-economic and cultural rights — all of this has been solved in a positive manner in the last couple of years. Slight imperfections remain, which the Croatian government promises to brush off in the nearest time.

RECOMMENDATIONS

1. *General recommendations on the accession to international agreements and conventions.*

In order to overcome problems of national minorities in the questions of providing of Croatian citizenship in comparison to ethnic Croats, it is recommended to join the European convention on citizenship, which includes established European norms regarding such questions.

Taking into account Croatia joining the EU, as well as the possible emergence of a labour migration problem in the country, it is recommended for the Republic to join the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which is a universal document protecting the rights of the mentioned social group.

Considering that the country lacks liability for denying war crimes, including liability for denying the Holocaust, which creates premises for whitewashing and glorification of Nazi past, it would be useful for Croatia to support the UN General Assembly resolution A/RES/67/154 “Glorification of Nazism: prohibition of certain types of practice, which facilitate escalation of modern forms of racism,

racial discrimination, xenophobia and the co-related intolerance” and similar resolutions aimed against neo-Nazism, considered by the UN every year. This resolution is aimed against glorification of Nazism and revision of the post-war environment; it also complies with General Comment No. 34 to Article 19 regarding the International Covenant on Civil and Political Rights.

2. *General recommendations on adjustments to the legal framework.*

Croatia should reconsider its legislation on citizenship towards providing equal possibilities for returnees belonging to the titular nation and national minorities and simplify the language test for the candidates.

A statute, outlining that discrimination on the basis of citizenship is also an aggravating circumstance during committal of an offense, should be added to the Anti-discrimination law and the Penal Code (P. 87).

It is also important to add a statute to P. 328 of the Penal Code regarding the fact that creating a criminal group to assist in racial discrimination is an offense.

Additionally, P. 5 of the Constitutional law on national minorities, which only regards citizens of the country as ethnic minorities, should be altered.

Croatia should also adopt a law about liability for denying war crimes, including denying the Holocaust.

3. *General recommendations for the executive bodies on law enforcement and human rights.*

It is necessary to publish full statistics of hate crimes including the dates, place and the nature of the crime, as well as the court sentence.

Today the lack of criminal liability for the denial of war crimes leads to the glorification of Nazi past, including spreading of Ustashe symbolism, remaining unpunished. It is essential to alter this law-enforcement practice in order to prevent popularization of fascist ideology, which de facto assists the development of inter-ethnic standoff and discrimination of minorities.

It is necessary to increase the volumes of preventive maintenance with the population on resisting inter-ethnic discord and preventing hate crimes. Also the development of the training system for employees of law-enforcement agencies is crucial in order to be able to quickly detect and react to hate crimes.

An elaboration of a resistance system against hidden discrimination of national minorities in the areas of education and employment is necessary in order to improve their status in the public and private sectors.

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SUMMARY OF INDICATORS FOR 2012

No.	INDICATORS	SCORE
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-10
2	Xenophobia and inflammatory statements by members of the authorities and media	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	15
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
5	Activities aimed at promoting tolerance and preventing extremism	5
6	Status of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	5
7	Incitement of religious and ethnic hatred	-10
8	Radical nationalist groups and parties	-10
9	Extremist and radical nationalist public actions	-15
10	Racist attacks, violence and terror	-5
11	Presence, popularity and size of anti-fascist and anti-racist movements	15
12	Glorification of German National Socialism and collaborators of Nazi Germany	-10
13	Persecution of veterans and partisans of the anti-Hitler coalition	0
14	International aspects	10
	Total	-10

CZECH REPUBLIC

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

Indicators

- Discriminatory legislation affecting minorities residing in Czech Republic in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

As partially discriminatory one should regard the act of legislation of 2005 about religious organisations of the Czech Republic of 2005, which imposes significant limitations on the rights of religious communes to develop their own institutions — charity funds, schools and medical facilities.

One should also mention page 405 of the country's penal code, which foresees the responsibility for "approval of crimes of the communist regime," along with responsibility for denial of the Holocaust. In terms of shortcomings of the law regarding lustration, as well as the imperfect definition of "crimes of the communist regime," this article creates an opportunity for discriminating a wide circle of people, among which are members of the Czech Communist Party (Czech: *Komunistická strana Čech a Moravy*), which has an oppositional faction in the parliament. Additionally, equalization of the Communist and Nazi regimes holds a distinctive politicized character, is not proper and lowers the significance of the Holocaust as a preeminent act of genocide towards selected groups of population.

- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

At the moment of monitoring such legislation did not exist in the Czech Republic.

- Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.

At the moment of monitoring such legislation did not exist in the Czech Republic.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health-care, worship, etc.

In 2012 discriminatory practices were aimed towards members of the Roma minority group. Roma massively live in places of compact settlements, mainly in the northern part of the country (a region with one of the highest levels of unemployment). During the observed period discriminatory practices against citizens of Roma nationality continued in regard to giving them equivalent (to Czechs) rights concerning education, housing, healthcare, labour, social benefits, etc.

In August 2012, around 200 Roma families were forced to leave their homes and relocate to the Přednádraží district in the city of Ostrava. Temporary housing was distinctively expensive. Local authorities claimed that houses, which were inhabited by the Roma, did not fulfill the sanitary and hygienic standards. The Parliamentary Ombudsman of the Czech Republic criticized the city authorities for letting the situation in these houses go and urged them to create worthy living conditions for the relocated families. In response the authorities and the mayor of Ostrava said that the resolution of these problems is not part of their responsibilities. In October the district court of Olomouc decided that it did not see discrimination in the actions of Ostrava's municipal authorities.

In November the municipal authorities of the city of Ústí nad Labem evicted 36 tenants from a building in the district of Przedlice — mostly populated by the Roma. Residents and local activists claimed, that the eviction occurred without proper consultations. Also, the authorities did not provide decent alternative housing. The evicted Roma were housed at the local gymnasium and then relocated to a badly equipped residential facility for labourers.

Roma are often denied in renting housing because of their nationality, so they are forced to accept unprofitable offers.

The practice of segregation of Roma children during their education at school is also ongoing. In 2012 the European Roma Rights Centre stated their determination to file a renewed complaint to the European Court of Human Rights towards the Czech Republic addressing

the discrimination of Roma children at schools. The complaint concerns 28 students of Roma nationality in the city of Ostrava, who were transferred to specialised schools for children with development issues. According to data of the Czech Helsinki committee (Český helsinský výbor) with the average quantity of Roma making up в 1.4–2.8% of the population in respect to various evaluations, the number of Roma children among those enrolled into “practical schools” (formerly known as “special schools”) for the mentally challenged is variously estimated at 32–35%.

In November the Commissioner on human rights of the Council of Europe Nils Muižnieks stated that segregation, inequality and racism towards Roma still thrive in these schools. He urged to close down all such schools and replace them with general education institutions, which would be ready to welcome and support students regardless of their ethnical background. In December the Committee of Ministers of the Council of Europe showed concern towards the fact that 5 years after the European Court of Human Rights had made a decision in the case of “D.H. and others against the Czech Republic” practically nothing was done to liquidate the reasons for discrimination of Roma at school. Furthermore, the Committee has noted the declared determination of Czech authorities to end segregation of Roma in the educational system.

Up to the present moment there has been no investigation into the practice of sterilizing Roma women without their consent¹.

According to research of the Czech Helsinki committee discrimination during hire of labour can be observed. Even though there was no mention in advertisements of a desire to employ Czechs, many vacancies included requirements of temporary providing a photograph and a 100% knowledge of the Czech language.

In advertisements regarding renting of apartments it was directly mentioned that national minorities and foreigners are not welcome as tenants.

PRESENCE OF CRITERIA	INDICATORS	SCORE
–/×	Discriminatory legislation affecting minorities residing in Czech Republic in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	–2.5
–	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin	0

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication	0
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	–5
	Total for section 1	–7.5

2. Xenophobia and inflammatory statements of the authorities and in the media

During the observational period a whole array of xenophobic statements from Czech politicians has been noted, which leads to the conclusion, that populism and racist views are becoming an acceptable part of public discourse in the Czech Republic.

An array of xenophobic statements were made by a member of the “Public affairs” political party (Czech: Věci veřejné) in Hodonin Otto Halupka and senator Tomio Okamura. O. Halupka has more than once described Roma as “parasites on the body of community” and tried to position them as a fully criminalized folk. He insisted on cancelling programs dealing with integration of Roma into the community because they, allegedly, are not effective and prove to be just a waste of money. While delivering a speech in Senate on the 7th of November, T. Okamura stated that the negative image of the Roma is not the fault of neo-Nazi propaganda, but the Roma themselves. On the 14th of November he stated that support of deportation of the Roma is not extremism.²

On the 26th of November it became known that the newly elected Czech senator from the Christian democrat party Jiří Čunek during his interview with the magazine “Week” suggested isolating Roma children from their parents, so that they would be “ripped away from the negative influence of their families.” Čunek also suggested making adult Roma undergo compulsory labour.³

Human rights groups accuse the Czech MSM of “inflammation of multinational discord and extremism.”⁴ The most known Czech journalist who writes xenophobic texts is publicist A. Bartoš who is con-

nected to president V. Klaus. In February 2012 Bartoš posted an article on the Internet about the magazine “Kraus,” where he stated that the magazine is “full of Jewish propaganda, mockery and insults.” He stated that “Jewish propaganda,” allegedly, tries to make Czechs think that “they are one of the worst nations.”⁵ He published a total of 9 anti-Semitic materials in 2012.

An array of xenophobic publications in the MSM and on the Internet appeared during the Czech presidential election campaign period in the last months of 2012. Candidate J. Fischer, ethnically Jewish, was reminded of his Jewish origins and was accused, that if elected president he would be more loyal to Israel than to the Czech Republic (an array of such materials were published by A. Bartoš). One of the nationalistic leaders Patrik Vondrák even took part in televised debates with Fischer and asked various trick questions.⁶ At the same time another candidate, the Minister of Foreign Affairs K. Schwarzenberg was reminded of his German past.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Xenophobia and inflammatory statements of the authorities and the media	-5
	Total for section 2	-5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist and anti-extremist legislation, and legislation directed against incitement of ethnic and religious hatred in the country.

According to P. 3 of the Charter of Fundamental Rights of the European Union, which is a part of the Czech Constitution, the fundamental rights and freedoms are guaranteed to all regardless of gender, race, skin color, language, beliefs and religion, political or other views, nationalistic or socialistic background, being part of a national or ethnical minority group, financial situation, kin or other factors. Also the Charter proclaims, that “everyone has the right to freely define his or her nationality. It is forbidden to pressure this decision in any way and any pressure towards “deprivation of nationality” is also forbidden.” P. 15 guarantees freedom of thought, consciousness and religious beliefs, P. 16 — freedom of religious teachings and the church’s independence from the state.

A separate chapter has been dedicated to national minorities. P. 24 declares, that being part of a national or ethnic minority group should not cause any harm. According to P. 25 members of minority groups are guaranteed the right to develop their own culture, to spread and receive education and information in their mother tongue, to use their language in clerical duties and to unite in national communities.⁷

According to P. 42 of the Czech Penal Code, xenophobia is an aggravating circumstance during crime commitment. Similar qualifying formulations are also integrated on P. 140 (“Murder”), P. 145 (“Grievous bodily harm”), P. 146 (“Bodily injury”), P. 149 (“Torture”), P. 170 (“Forced confinement”), P. 171 (“Restriction of free movement”), P. 172 (“Forced exportation abroad”), P. 175 (“Extortion”), P. 183 (“Violation of personal secrets”), P. 228 (“Vandalism”), P. 352 (“Violence towards a person or group of people”), and even P. 329 (“Abuse of authority by officials”) and P. 378–383, regarding crimes committed by military servicemen. Some pages directly address war on xenophobia — P. 355 “Slander in regard to nation, race, ethnical or other group” and P. 356 “Rousing hatred,” as well as P. 403 “Creation and support of movements, directed at suppression of rights and freedoms of man” and P. 404 “Expression of sympathy towards movements, aimed at suppression of rights and freedoms of man.”

Denial of Holocaust is subject to legal prosecution according to P. 405. However, as already mentioned it also contains a passage about penalty for approving of “crimes of communism,” which in this way equalizes communistic and Nazi systems and therefore indirectly rehabilitating the former. Article 176 is dedicated to penalty for suppressing the freedom of religion.

Since 2006 Czech Republic has an active law, which legalizes registered partnerships of same-sex couples.⁸

- Presence and improvement of anti-discriminatory legislation.

The main normative act of anti-discriminatory legislation is the law passed in 2009 — “Law of equal treatment and legal protection from discrimination” (No. 198/2009). The law forbids direct and indirect discrimination on the basis of race, ethnical background, nationality, gender, sexual orientation, gender identification, age, pregnancy, child-care, disability, religion, beliefs and opinion. P. 10 of the law defined the rights of a person, who suffered discrimination, to address a court in order to liquidate the consequences of discrimination and receive compensation.⁹ The law corresponds to the EU anti-discrimination directive 2000/43/EU.

There is also a Law of 1999 about the commissioner of human rights (No. 349/1999), which describes the circle of responsibilities of an ombudsman regarding protection of citizens from discrimination.

Elements of anti-discriminating legislation are included in the law regarding service in the military, the law regarding service in security agencies, as well as in the law regarding employment and in a number of other laws of the Czech Republic.

It is important that the Czech Republic acknowledges 18 different national minorities within its borders, moreover part of which are the so-called “new” minorities, i.e. which appeared in the country’s territory in the last decades. Looking ahead it can be said that in 2013 Belarusians and Vietnamese have received such recognition. Their representatives along with Bulgarians, Croatians, Russians, Greeks, Serbians, Ukrainians, Germans, Poles, Slovaks and other representatives of national minorities will be sitting in the Council of Czech government addressing matters of national minorities. As a result they will be able to take part in developing laws, which concern the rights of national minorities.

- Compliance of the authorities (central regional, municipal), the law enforcement and judiciary, with anti-Nazi, anti-racist and anti-extremist legislation. Compliance with anti-discriminatory legislation and legislation directed against the incitement of ethnic and religious hatred.

In compliance with an amendment of the act about the Ombudsman in 2009, his jurisdiction also includes questions regarding protection from discrimination and rights for equal treatment. He received the right to carry out research regarding this problem, provide legal aid to victims of discrimination, publish reports and issue recommendations.¹⁰

The police force has officially stated that fighting crime based on xenophobia is one of its top priorities.¹¹

On the other hand, courts do not always penalize people, who committed crimes based on xenophobia. One can note the acquittal of a neo-Nazi by a court in the autumn of 2012. The suspect attacked antifascist Ondrej Sakla in 2009. The court in Klatovy sentenced two neo-Nazis to a conditional term of deprivation. They attacked a Roma family in the settlement of Nýrsko. The sentence fully lacked the racist element of the crime.

The Supreme Court rejected an appeal in 2012, which was made by J. Bok who was being accused of an attack on police officers. According to Bok himself his actions were an answer to aggressive and Roma-phobic actions of the policemen. However, the court did not take his arguments into account.

In November 2012 eight rightist extremists, who in 2010 were accused of crimes regarding spreading neo-Nazism and organizing co-related events, were released from custody.

In 2012 the Board of Appeal of the Disciplinary panel of the Czech Bar association lifted the one year practice ban for Petr Kuchař, who during a trial of neo-Nazis accused a Jewish expert of prejudice.

On the 1st of January 2013 president V. Klaus proclaimed amnesty, which also affected sentenced radical nationalists.

Enactment of the legislation regarding rights of minorities basically stays on paper, which in particular is being proven by the situation with the education of Roma children. Aside from that, the Czech Republic has not yet confirmed Protocol No. 12 for the Convention for the protection of human rights and basic freedoms, which foresees blanket prohibition of discrimination, regardless of PACE pleas.

Therefore, it can be stated that in 2012 the Czech Republic has only partially maintained anti-racism and anti-extremist legislation.

- Responses to hate crime (criminal proceedings against organisers and participants, convictions).

In Czech Republic detailed statistics of hate crimes are being kept up to date. According to data published in the official “Report on extremism on the territory of the Czech Republic, authorized by the government in May 2013,” in 2012 173 crimes based on extremism were registered in the country, which is substantially less than in 2011 (238 cases). From them 67.1% (116 crimes) were solved (in 2011: 66% — 157 crimes). Based on the results of the research 208 people were held criminally liable (in 2011: 246 people).

45.3% of all crimes were handled based on articles 403 (creation and support of movements, directed at suppression of rights and freedoms of man), 404 (expression of sympathy towards movements aimed at suppression of rights and freedoms of man), 405 (denial and approval of genocide) of the Penal Code of the Czech Republic. 92% of these crimes were solved.¹²

19.2% of all hate crimes go in compliance with P. 355 — libel on the basis of belonging to a racial, ethnical, civil or another group.

11.6% of all crimes go in compliance with P. 352 of the penal code — violence towards a person or a group of people. Another 9.3% — in compliance with article 228/2 (graffiti of xenophobic character), 8.7% — P. 145–146 — intended bodily harm on the basis of hatred and the rest go in compliance with other articles of the penal code.¹³

Typically, the majority of those committing hate and extremist crimes in the past few years are high school graduates, i.e. young people under 20 years of age. Only 3 perpetrators had a higher education and 14 were students. Two crimes were committed by members of the police force and another two by servicemen of the military police.¹⁴

The fight against racism in the Czech Republic sometimes takes on an exotic form. In February 2012 Mihaela Dupova, member of the

Labour party of social equity (Czech: Dělnická strana sociální spravedlnosti), former leader of the neo-Nazi faction “Resistance Women Unity,” representative of the faction “National Resistance,” was arrested for nationalistic propaganda “insulting Islam,” by making tattoos with extremist symbolism on her body. Another 14 women were arrested due to the same reason.¹⁵

- Unlawful use of anti-extremist legislation.

Such cases were not registered in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-Nazi, anti-racist and anti-extremism legislation, legislation against incitement ethnic and religious hatred in the country	5
×	Presence of anti-discrimination legislation	5
-/×	Compliance of the authorities (central regional, municipal), the law enforcement and judiciary, with anti-Nazi, anti-racist and anti-extremist legislation. Compliance with anti-discriminatory legislation and legislation directed against the incitement of ethnic and religious hatred	2.5
×	Counter-actions against hate crimes (criminal cases against organisers and participants, convictions)	5
-	Unlawful use of anti-Nazi, anti-discrimination and anti-extremist legislation	0
	Total for section 3	17.5

4. Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

On the 16th of May during a meeting with the president of European Jewish Congress (EJC) Viatcheslav Kantor the prime minister of the Czech Republic Petr Nečas agreed to the course of action proposed by Viatcheslav Kantor regarding protection of Jews and other minorities of Europe. He noted that he will support this initiative and agreed to promote it among other European leaders.¹⁶

In March 2012, after the retirement of minister of education Josef Dobeš, who was criticized for stalling programs that liquidated the so-called separate education of Roma children, the appointed for this position in May 2012 Petr Fiala stated, that he is determined to end discrimination of Roma children in the education sphere.¹⁷

One can also note the speech made by the Ombudsman in favor of the rights of Roma children for an education in normal schools.

The majority of Czech political parties supported the gay parade which took place in Prague in May 2012.¹⁸

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
	Total for section 4	5

5. Activities aimed at promoting tolerance and preventing extremism

In 2009 the Czech Republic approved a Concept regarding the integration of Roma for the period of 2010–2013 “in order to improve social, economic and political conditions of the Roma.”

Representatives of the Ministry of Education, Youth and Sport created a website in 2012, which should have served as a manual to teachers so that they could prevent the spreading of racist ideologies at schools. The Police and conflict solving specialists have tutored teachers in the borders of the program “Neo-Nazism: threats and dangers.”

In January 2012 the Ministry of Foreign Affairs of the Czech Republic published “Suggestions regarding further steps in realization of integration policies under the motto ‘Living together — 2012.’ ”¹⁹

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Activities aimed at promoting tolerance and preventing extremism	5
	Total for section 5	5

6. Status of migrants and society's attitude towards immigrants, foreigners, different ethnic groups

Indicators

- Presence and improvement of immigration law.

Article 14 of the Charter of Fundamental Rights guarantees freedom of movement and entering. In the penal code the following pages address migration — 340 (“Organisation and provision of illegal crossing of borders”), P. 341 (“Assistance in unlawful residence in a country”), 342 (“Unlawful employment of foreigners”).

The main normative act that regulates migration is still the in 1999 issued “Law regarding the residence of foreigners on the territory of the Czech Republic,” which has undergone distinct adjustments in 2011 in the case of stiffening the rules concerning the stay of foreigners. According to P. 68 of this law foreigners can get a Permanent Residence Card after 5 years of living in the Czech Republic. P. 113 states that costs of deporting illegal migrants are handled by their employers. And P. 123a describes the procedure of the migrants’ willing return to their home country. P. 180F confirms that all rights, which apply to a regular family during migration also apply to same-sex partnerships.

In 1999 the government has passed two Directives — “Main principals of the concept of foreign citizen integration in the Czech Republic,” as well as “The concept of integration of foreign citizens.” The main target immigrant group, at which the integrative actions are aimed, are people, who came to the Czech Republic seeking permanent residence. The main proclaimed principals of the integration policy are equal reach and equal possibilities for the newly arrived. Moreover, the government takes responsibility for creating favorable conditions for the integration of immigrants on the job market and in social life.

Additionally, there is an active law regarding refugees in the Czech Republic, which regulates the terms of entering and stay of persons, seeking asylum, as well as procedures of decision making regarding claims of being a refugee, defines rights and responsibilities of a person, as well as competences of various ministries and police towards persons, seeking asylum.

- Authorities’ compliance with such legislation (law enforcement practice).

The Czech Republic has a dual role. On one hand, it serves as a donor country for labor migration into countries of the “old” EU. On the other hand — it is fairly attractive for immigrants from the East. As of 2012 the country accounts for 38,000 legal immigrants (almost 125,000 — natives of Ukraine, 60,000 — Vietnam and 32,000 — Rus-

sia). The Czech Republic has active programs to battle unlawful migration. As for the legal immigrants, their numbers are regulated by the program integrated on 2001 “Selection of qualified workers.” In 2009 it was replaced by an analogue — “Green card.”²⁰ Migration control in the Czech Republic is handled by the Police Service Control of Foreigner Cases of the Ministry of Internal Affairs and its local departments. In addition, there is a government formed Council on decisions concerning foreign citizens.

According to the report by Amnesty International for 2013 the Czech police has quite unwillingly taken on an array of cases concerning fraud, human trafficking and extortion from foreign migrants, employed in the timber industry. Aside from that, lawyers of the victims were worried by the fact that stalling the criminal proceedings lead to the loss of important evidence.²¹

- Discriminatory practices against immigrants.

Foreigners, living in the Czech Republic still have no access to public health insurance.

Based on research data from the Czech Helsinki Committee serious problems remain in the process of decision making by the Department of Migration Policies. Due to personnel turnover in tens of thousands of cases receipt (extension) dates of visas and residence permits have been past due.

In 2012 the Ministry of Labor and Social Affairs (MLSA) has published an array of instructions, which significantly restricted the foreigner’s right to work, made the work permit validity shorter, demanded proof of education etc. All these action led to mass firing of migrants, because employers did not desire extra costs.

At the same time the parliament, in its resolution of May 29th 2012 did not recommend ratifying ILO Convention 189 regarding granting decent work for foreign laborers in the household, claiming that “from the point of Czech national practices, the work of foreigners in families does not call for separate convention signings.”²² Also remains the issue of overworking and sexual harassment from employers towards immigrants.²³

At the end of January it became known that the European Commission threatens the Czech Republic with a court case in connection to rule violations in the sphere of free movement throughout the European Union by EU citizens and members of their families. Discontent of the EU was caused by the fact that EU citizens trying to receive a residence permit in the Czech Republic had to present place of residence confirming documents to Czech authorities. The European Commission thinks that these rules infract the EU directive regarding freedom of movement.²⁴

- Use of the “ethnic crime” topic in order to discriminate against immigrants.

The Czech media mostly connect ethnic crime with Czech Roma and not migrants. This topic is abused by practically all radical-nationalistic parties and factions. It takes up an important spot in their ideology.

- Social welfare for immigrants.

As it was already mentioned, foreigners living in the Czech Republic do not have access to public health insurance. In other aspects, the Czech Republic passes on EU criteria regarding provision of social aid to immigrants.

The country has five Integration centers for asylum seekers.²⁵

As part of the integration program for 2012 it was suggested to concentrate on integrating migrant children, which includes programs on teaching the Czech language, coaching tutors and publishing of school books. It was also planned to broaden such courses for adults. In order to improve the foreigners’ reach to the job market it was also planned to simplify the job seeking process. Additionally it was planned to provide constant improvement of social, cultural and professional competences of ministry employees and other interested authorities who work with foreigners. The importance of integration programs on the local level was emphasized.

- Negative attitudes towards immigrants, foreigners, different ethnic groups.

A big problem for the Czech community is the widely spread Roma-phobia. On the basis of a survey made in 2011 83% of Czechs consider the Roma to be “incapable of adaptation.” Data analysis has shown that the main part of the population agrees that the Roma are responsible for the growing crime rate and abuse social aid payments, therefore they cannot become full-fledged members of society.²⁶ In many ways Roma-phobia is a consequence of the economic decline in the country and the will of the population to try and find easy answers regarding those faulty of the living conditions worsening. Many easily accept xenophobic branding regarding the alleged high crime rate among the Roma.

According to the survey made in March 2012 by the Study Center of Public Opinion 78% of the interviewed Czech citizens older over 15 years of age told about their hatred towards the Roma. On the “dislike” scale The Roma are followed by Albanians and Ukrainians.²⁷

Based on the survey made in 2012 by the European Agency of Fundamental Rights, the Czech Republic is a country which is relatively

tolerant towards sexual minorities. Here, the LGBT league was able to arrange a pretty effective collaboration with governmental and political institutions. The government materially supports activities of the Czech organization of sexual minority representatives SOHO (the only massive organization of such a kind in Eastern Europe). However, around 36% of respondents claimed that they suffered discrimination and harassment because of their sexual orientation. 13% faced discrimination while searching for work, 27% — in other cases.²⁸ According to the survey made in March 2012 23% of Czechs would not like their neighbors to be gay and lesbian (comparing this figure to 2003, when this point of view was shared by 42% one can talk of a substantial progress).²⁹

The presidential campaign has also uncovered a latent Germanophobia, especially present with the older generation. K. Schwarzenberg being attacked as a “German” is not the last thing on the list when people talk about his loss in the elections, as well as his statement that forced deportation of Germans out of Czechoslovakia after World War Two was a crime.³⁰

One can also note the spreading of anti-Semitism throughout the Muslim community in the Czech Republic. In February 2012 by invitation from the Muslim community in Prague and the Muslim Fund of Prague the country was visited by the radical Islamic sheikh Haddad Al-Haitam (resides in Great Britain), who delivered a corresponding propagation.³¹

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence and improvement of immigration laws	5
×	Authorities' compliance with such legislation (law enforcement practice)	5
×	Discriminatory practices against immigrants	-5
×	Use of the “ethnic crime” theme in order to discriminate against immigrants	-5
×	Social assistance for immigrants	5
×	Negative attitude of the society towards immigrants, foreigners, various ethnic groups	-5
	Total for section 6	0

7. Incitement of religious and ethnic hatred

Indicators

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

In 2012 an array of anti-Roma materials appeared in the Czech media. Here, while reporting of incidents, where one side was represented by the Roma, the media only presented one point of view, without trying to find out what happened from the Roma. When reporting crimes committed by specific Roma, the media always pointed out their nationality, creating an impression of a high criminal rate among the Roma. In January—May 2012 there were four recorded cases of the media popularizing stories of alleged Roma attacks, which turned out to be slander from the side of the fake victims. Among these cases the most serious one was the “Břeclav case” (see section 10). In regard to the Roma the term “nonintegrables” is often used in order to show their alleged natural-born underdevelopment.

An increase in anti-Semitic articles on the Internet has been registered in 2012. If 26 anti-Semitic articles, videos etc. were found in 2011, in 2012 there were already 82. As of representatives of the Jewish commune such an increase was the consequence of the reaction to the November 2012 Israeli operation in Gaza and J. Fischer taking part in the presidential elections.³²

- Presence and popularity of radical nationalist literature, films, music. Ultranationalist rock bands and their concerts.

The Czech Republic has a few small active pro-Nazi rock bands which are not really popular. Interestingly, that among Czech ultra-right the Russian nationalistic group “Kolovrat” is popular.

The latest tendency in ultra-right circles is the use of “hard bass” as a “tool to unite masses.” “Hard bass” is the name of a dance routine with using masks in public places. The number of participants varies from 10 to 50 people and includes members of ultra-right factions “Free Youth” and “Independent nationalists.” This phenomenon has spread wide in the regions of Moravia and Silesia, Olomouc and Prague.³³

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti	-5

PRESENCE OF CRITERIA	INDICATORS	SCORE
–/×	Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts	–2.5
	Total for section 7	–7.5

8. Radical nationalist groups and parties

Indicators

- Presence of neo-Nazi and ultranationalist groups, movements, political parties (both in the centre and in the localities).

The key role in the sphere of right extremists is played by the “Labor party of social equity” (DSSS) (Czech: Dělnická strana sociální spravedlnosti). The chairman of DSSS since the 20th of November 2010 is Tomáš Vandas, who was formerly the leader of the “Labor Party.”

DSSS is one of the most powerful right extremist parties in the Czech Republic (around 600 members). Since 2010 it has established contact with German neo-Nazis from the National Democrat party.

There are also smaller organization: the Patriotic front (created in 1993), which carries the tradition of fascist organizations of the interbellum period, “Free youth,” “Freestanding Nationalists,”³⁴ “Independent Nazis,” “National Activists,” various groups, segregating from “Freestanding Nazis” in 2010, “National Uprising,” “National Front,” faction “Blood and Honor,” “Women resistance Unity” and other regional groups, “National resistance — Ruda,” “National resistance — Bohemia.”³⁵ “Czech Defense League,” which has a close relationship with the “Christian Defense League,” was formed in the Facebook social network on the basis of the “English Defense League.” It has around 60,000 followers, who speak against Islamisation of the Czech Republic. The faction is trying to prevent the improvement of life conditions for Muslims (government program for 2014) and deprive them of government financing.³⁶

According to the Ministry of Internal Affairs of the Czech Republic the core of neo-Nazi factions consists of 500 people and around 4,000–5,000 people support them.³⁷

In 2011 the central idea behind DSSS’s program was the slogan “Czech republic — for Czechs,” which implicated that presently it was taken by non-Czechs.

The DSSS actively collaborates with anti-Semitic publisher Petr Kalinovsky by publishing his texts on their own server www.radnicelitvinov.cz.³⁸

- Presence of discriminatory demands in the programs of these parties and in the statements of their leaders towards the members of minorities.

DSSS program includes Roma-phobic and migrant-phobic passages. “We do not want to be an immigrant country, people coming from the ex-USSR, the Balkan States, Asia, Far East etc. Political asylum and residence permits should only be granted to persons, who can adapt to national traditions and customs of Czech citizens and will be able to fully integrate” — is stated in the program of this party. The nationalists accused migrants of taking up work places, which they take from the indigenous population, receive free health-care etc.³⁹

The party fights for the return to “conservative moral and spiritual values” and demands not only forbidding same-sex marriages, but also reversing legalization of same-sex partnerships and permission to adopt children by the LGBT. The nationalists also demand the cancellation of the mythic “benefits on the basis of skin color,” which, as they claim, the migrants have and, especially, to stop paying for immigrants’ healthcare.⁴⁰ The claim that the “non-adapting” (i.e. the Roma) allegedly “live in a privileged state at the expense of others” and use de facto immunity for committed felonies.⁴¹ The DSSS program also included the demand to prevent “criminal” nationalities from entering the country and deport foreigners who have committed an offense.⁴²

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.

Although the ultra-right were not able to get seats in the parliament they do not despair. Thanks to the media they are able to spread their ideas and views. Many representatives of political parties, which are represented in the parliament, not only answer to verbal attacks of the ultra-right, but Roma dispositions are quite popular among voters.⁴³

DSSS is fairly popular among young people. Based on survey data, taken in 2012 12% of teenagers stated that will vote for this party after reaching 18 years of age (in 2010 there were only 6% of such people).⁴⁴

In 2012 nationalists tried to gain control of the popular Holešovská petition, which demanded a shift of power due to corruption.⁴⁵

However, members of the petition movement did not show any interest to slogans of the nationalists and soon the movement itself started to decline.⁴⁶

- Neo-Nazi and radical nationalist influence over the local legislative and executive bodies.

The influence of radical nationalists on the local executive bodies is negligible. At local elections in 2012 the nationalists from DSSS came close to crossing the 5% border: in Ústí nad Labem they received 4.37%, in Karlovy Vary — 3.34%, in Morava — 2.15%. The real victory was achieved by the left forces. At the moment DSSS is only represented in the northern Czech town of Krupka.⁴⁷

- Neo-Nazi and radical nationalist influence over the central legislative and executive bodies.

The popularity of nationalistic and xenophobic ideas had not converted to votes yet. During parliamentary elections in 2010, DSSS received 1.14% of votes. Party leader T. Vandas tried to run for presidency? But did not get enough inner votes, as well as another nationalist-senator T. Okamura. Therefore, the influence of radicals on central authorities remains minimal.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities)	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities	-5
-/×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations	-2.5
-	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies	0
-	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies	0
	Total for section 8	-12.5

9. Extremist and radical nationalist public actions

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

In 2012 not a single nationalist event was forbidden by the government.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

During the observed period there were a few registered ultra-right events.

On the 15th of January in the city of Varnsdorf a massive protest against the presence of Roma took place. The cause for that was an attack by a group of Roma on a family of locals, who had an anti-Roma ideology. The protesters criticized the actions of the government, which in their opinion could not maintain order in the region. Flags of DSSS waved in the wind.⁴⁸

On the 29th of January 2012 DSSS organized a new protest against the Roma in Varnsdorf. Members of the National Democrat Party from Zittau and Gorlice took part.⁴⁹

In the middle of April 2012 after a school student in Břeclav stated that he was raped by the Roma, the youth fraction of DSSS organized mass anti-Roma protests. Two thousand people went through the streets of Břeclav with slogans such as “How wonderful, when there are no gypsies in the city,” “Petr, we are with you ,” “What else has to happen?” and others.⁵⁰ Later it came to light that the boy made up the story, fearing punishment from his mother for coming home late.⁵¹

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

In 2012 representatives of the government did not take part in nationalist actions.

- Presence of “football xenophobia” and racism amongst sports fans.

2012 showed an increase in the activities of ultra-right parties, DSSS above all, in the area of football fans, which they actively and not without success agitated to their events off the sports field. Nevertheless, racism has not received widespread recognition at Czech stadiums as of yet.

In April 2012 the Prague football club “Sparta” was fined for 80,000 CZK for their supporters’ behavior during a match with “Slo-

van” (Liberec). The fans shouted racist insults towards “Slovan”’s defender Theodor Gebre Selassie.⁵² Selassie, who is a Czech citizen, also became victim to racial insults during the European Championship match in Poland in 2012 in Wrocław against the Russian team.⁵³

Earlier in February of 2012 during a friendly match in Spain between “Sparta” of Prague and the Swiss club “Bellinzona” the captain of the Swiss team and ex-”Sparta” player, Czech citizen Pavel Pergl insulted a dark-skinned player of the Czech team Léonard Kweuke.⁵⁴

It must be noted that The Czech football association actively enacts preventive coaching work while collaborating with overseas non-governmental institutions of Great Britain (“Show racism the Red card”) and other countries. For example, on the eve of the European Championship a group of leading Czech players took part in a rally against racism in Austria — they made photos for top sports magazines under the common motto “No to racism on the football field.”⁵⁵

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities	0
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities	–5
–	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies	0
×	Presence of “football xenophobia” and racism amongst sports fans	–5
	Total for section 9	–10

10. Racist attacks, violence and terror

Indicators

- Vandalism in cemeteries, attacks on religious buildings.

According to data of the Jewish community there were 6 counts of vandalism towards synagogues, Holocaust memorials etc. in 2012 (5 such cases in 2011).⁵⁶

- Interethnic clashes instigated by xenophobia and radical nationalism.

Such cases were not registered in 2012.

- Cases of violence, including murder on racial, ethnic and religious grounds.

In 2012 there were 47 cases of attacks on the Roma. As a result there were 5 dead and 22 injured (in 2011 — 69 crimes).⁵⁷ However, the exact number of crimes could be larger. According to data, published on the 29th of November by the European Agency of Fundamental Rights an average of 32% of the interviewed Roma in Europe stated that they faced racist attacks.⁵⁸

Also, according to data from the Jewish community, there were 16 crimes registered in 2012 on the basis of anti-Semitism: 6 cases of vandalism, 10 cases of persecution (in 2011 — 43 crimes): 1 assault, 5 cases of vandalism, 5 cases of threats, 7 cases of persecution, 26 cases of insults in the media and the Internet.⁵⁹

Nevertheless there were no organized anti-Roma riots as there were in 2013.

- Cases of murder and terrorist attacks on the basis of radical nationalism and religious fanaticism.

In 2012 there were 5 registered counts of murders of Roma based on hate, moreover one case regarding the 33 year old Ludovít Kašpar, which took place on the 6th of May 2012, included death after police battery.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Vandalism in cemeteries, attacks on religious buildings	-5
-	Inter-ethnic clashes instigated by xenophobia and radical nationalism	0
×	Cases of violence, including murder on racial, ethnic and religious grounds	-5
×	Cases of hate crimes	-5
-	Terrorist attacks on the basis of radical nationalism and religious fanaticism	0
	Total for section 10	-15

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

The Czech Republic has a whole array of anti-fascist movements. Among them are the Prague anti-fascist network, “Czech Union of Freedom Fighters,” youth faction “Anti-Nazi action,” which stands on anarchy pillars, Czech Helsinki Group, the “InIUSTITA” association, which provides monitoring of hate-based violence and specializes on providing services and legal aid to racism victims,⁶⁰ civil group “Konexe,” which specializes on protecting the Roma, League of Rights, which educates teachers in anti-racism and informs potential victims of discrimination about their rights, the Czech department of the International Christian Embassy Jerusalem and an list of others.

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

Anti-Nazi and anti-racist organisations of the Czech Republic deal with a wide specter of activities — from organizing protests to providing legal aid to victims of hate crimes.

Lately a widespread recognition is being given to the unofficial social movement “Let’s Block It!”, initiated by civil group “Konexe,” which is united by wide predisposed anti-Nazi segments of the people. Its goal is to physically prevent neo-Nazi events, such as anti-Roma protests and riots. Anti-fascists often escort neo-Nazi events and try to block their movement throughout the city. However, these groups are not that popular as in Germany, for example, where anti-fascists can outnumber the neo-Nazis 10,000 to 1,000 at such events. Taking into account the high level of xenophobia and primarily anti-Roma predispositions in the Czech Republic, their influence on the Czech community and especially on the youth is not that big.

The biggest mass anti-fascist rally took place in Prague in 2012 the evening before the notorious anti-Roma manifestation in Břeclav on the 18th of April 2012. 400 anti-fascists willingly marched through the central streets of the Czech capital against neo-Nazism and anti-Semitism. The event was organized by the Czech department of the International Christian Embassy Jerusalem. In their statement the organisers claimed that they fear, that extremism will become a trend and want to attract the public’s attention to that issue.⁶¹ The demonstration ended with a meeting in the centre of Prague, where activists of anti-fascist organisations and those who experienced acts of Nazi harassment during World War Two made their speeches.⁶²

- Presence of antiracist and antifascist civic initiatives.

On the 21st of March 2012, on the International Day for the Elimination of Racial Discrimination the Czech Helsinki Committee in Prague presented an alternative report on the state of racism in Europe. It was stated in the report that ethnical and religious minorities in Europe face discrimination and social isolation in all aspects of life, from being hired to work to education and lease of housing. Also the Law about foreigners in the Czech Republic was criticized. The authors of the report find it discriminating.⁶³

That day other anti-racist events also took place in Prague: premieres of theatrical performances and movies, dedicated to the topic. There were also photo exhibitions devoted to war on Nazism. In particular, the organization “For integration and migrations” presented a short film against discrimination of Ukrainian maids.⁶⁴

In May 2012 a gay parade took place, which in comparison to the gay parade of 2011 was approved of by most political representatives. The argument about equal rights for LGBT does not hold a discriminative character any more. From now on it is about legal regulations of rights of sexual minorities.⁶⁵

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-racist and anti-Nazi movements and parties	5
×	Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations)	5
×	Presence of anti-racist and anti-fascist civic initiatives	5
	Total for section 11	15

12. Glorification of German National Socialism and collaborators of Nazi Germany

Indicators

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

Such facts were not registered during monitoring in 2012.

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

Such facts were not registered during monitoring in 2012.

- Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities.

Such facts were not registered during monitoring in 2012.

- Historical revisionism, Holocaust denial.

The Czech Republic is one of those European countries, where quite actively and with governmental support a thesis is being spread which equalizes “Nazi and Communist genocide.” Overlooking its inexactness (from 1938 to 1945 Nazis killed 240,000 Czechs, meanwhile, from 1948 to 1989 the total number of executions in CSR was 284), amenability (article 405 of the Czech Republic’s Penal Code) carries over to the denial of this thesis. Such historical revisionism indirectly leads to rehabilitation of Nazi crimes and directly lowers their historical impact for post-war Europe.

In 2012 there was also a registered case of Holocaust denial. Several texts, denying the Holocaust, were posted on the Nazi supported website www.vzdělavací—institut.info in 2012.⁶⁶

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition	0
–	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers	0
–	Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities	0
×	Historical revisionism, Holocaust denial	–5
	Total for section 12	–5

13. Persecution of veterans and partisans of the anti-Hitler coalition and anti-fascists

Indicators

- Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as antifascists.

Such facts were not registered during monitoring in 2012.

- Restrictions imposed by the authorities on human rights and anti-fascist organisations. Bans to entry or exit imposed on antifascists. Authorities' inaction.

Such facts were not registered during monitoring in 2012.

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

Such facts were not registered during monitoring in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists	0
–	Restrictions on human rights and anti-fascist organisations imposed by the authorities, bans to entry or exit imposed on anti-fascists by the authorities, inaction of the authorities	0
–	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists	0
	Total for section 13	0

14. International aspect

Indicators

- Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities.

At the present moment the Czech Republic has ratified the Global convention on liquidating all forms of racial discrimination,

Convention on liquidating all forms of discrimination towards women, Agreement on foreigner integration into social life on the local level, Framework convention about the rights of national minorities and the European charter of regional languages and language minorities.

- Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period.

During the inspected period the Czech republic did not take part in any new global agreements or resolutions of the UN or other global organisations, aimed at combating Nazism, racial discrimination, protection of minorities etc.

- International statements and initiatives against discrimination, neo-Nazism and xenophobia made by the monitored countries and their leading politicians.

From the side of the Czech Republic there were no notable world-wide initiatives and statements regarding combating racism and discrimination.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities	5
–	Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period	0
–	International declarations and initiatives of the monitored countries and the leading politicians against discrimination, neo-Nazism and xenophobia	0
	Total for section 14	5

CONCLUSION

Consequences for the development of the country and society, based on the analysis of factors and the following aspects:

1. Human rights

- *Guarantees against any form of minority discrimination.*

Minorities in the Czech Republic are protected from discrimination by separate articles of the Charter of Fundamental Rights, which is a part of the Constitution, by the Penal Code, as well as the “Law regarding equal treatment and legal protection from discrimination” and by various other states of other laws of the country, such as employment laws, the law about service in the military, service in security agencies and others.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.)*

Formally the Czech Republic signed all main global agreements, which protect the rights of minorities. Problems arise with actual implementation of the terms of such agreements, first of all in regard to the Roma.

- *Differences between the rights and freedoms of the titular nation and ethnic minorities.*

The main problem, which the minorities face, first of all the Czech Roma, is the issue of inequality in education, discrimination during the employment process and leasing of housing.

- *Legislation enshrining inequality of minorities.*

Such legislation does not exist in Czech Republic.

- *Rulemaking in protection of minorities.*

During the observed period no such facts have been registered.

- *Freedom of speech violations.*

In Czech Republic, as in many other countries, there are pretty harsh limitations of the freedom of speech due to propaganda of Nazi

and neo-Nazi views, racism, ethnical and religious intolerance including in the mass media and communication.

- *Legislation and law enforcement practices concerning immigrants.*

There is existing developed migration legislation in the Czech Republic, as well as massive integration programs for migrants. The only downside is the lack of national health insurance for migrants.

2. State of the society

- *Risk of violation or non-compliance with the acting laws aimed at protecting the rights of minorities; risk of discriminatory practices against minorities.*

The remaining danger for Czech society is the formal implementation of anti-discrimination legislation towards several groups, primarily towards the Roma, as well as sometimes inexplicably soft sentences to neo-Nazis. Police often does not want to take on cases which were committed on the basis of Roma-phobia. In contrast to the extremely high level of Roma-phobia, the current situation evolved in 2013 into a series of anti-Roma riots, which literally engulfed the whole country.

- *Identity — how manifestations of xenophobia and extremism affect the identity of minorities, as well as majority's identification of minorities (growth of social phobias).*

In terms of strong Roma-phobia the largest part of the population of the Czech Republic basically got used to the stereotype about the “gypsy criminals,” “gypsy-parasites” and so on. The discriminated minority members, in turn, find themselves in a loop — the cannot change their status without help from the government and the government, following dispositions of the voters practically shoves them into ghettos.

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socioeconomic development of the country)

- *Standard of living.*

According to data about living standards of the population in 2012, made by the popular Legatum Institute the Czech Republic has taken 26th place, beating such countries as the United Arab Emirates, Italy, Poland, Israel and Saudi Arabia.⁶⁷ Therefore, a conclusion can be

drawn that manifestation of xenophobia had no effect on the population's standard of living.

- *Economic turmoil and instability.*

Manifestations of xenophobia do not lead to mass emigration of employable and employed population of the Czech Republic, and the level (of xenophobia) is such, that it did not have any visible influence on the country's economy. However another process took place: the decline of the economic situation has served as a motive to a rise in xenophobic dispositions, because the population has started to see rivals in Roma and migrants receiving social benefits; as though they were taking the last piece of bread from them.⁶⁸ In 2012 the Czech GDP has decreased by 1.2% (in 2011 an increase by 1.7% was registered) and unemployment amounted to 9.4%.

- *Decline in production growth, emigration of the labour force.*

Emigration of the employable part of population is not connected to the rise of xenophobia in the Czech Republic and occurs by mostly moving to more attractive countries, Germany and the UK mainly. However it is overlapped by immigration from Eastern European countries that are doing worse economically.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

The Czech Republic currently remains as one of the most stable countries politically in Europe. However the constant infusion of anti-Roma hysteria does not add stability to the country and speaking of investors — no assurance that their investments won't be endangered due to yet another riot. The chance of radical nationalists coming to power is currently very small, however "adapting" their declamation by the "system's" politicians may prove dangerous.

- *Impact of xenophobia and extremism in the country on the issues of external security, on relations with third countries and the international security in the region as a whole.*

For the time being political stability of the Czech Republic does not raise any doubts in the global community and the level of xenophobia is low enough to not make an impact on that stability. The Czech Republic does not have any border disputes with its neighbors. An only exception is Germany, who up to the present day demands compensations for the deported in 1945.

RECOMMENDATIONS

1. *General recommendations on the accession to international agreements and conventions.*

The Czech Republic should sign Protocol No. 12 to the European Convention on Human Rights, which foresees a common ban on discrimination. Apart from that, the Czech Republic, as a country which suffered from Nazism and is experiencing growing problems with xenophobic predispositions among the public could declare support to the resolutions being made by the Russian Federation to combat neo-Nazism.

2. *General recommendations on adjustments to the legal framework.*

The Czech Republic is recommended to liberalize rights of religious organisations to create charity funds, schools and medical facilities and with that goal in mind make alterations in the Law concerning religious organisations of 2005.

Apart from that, it seems important to reconsider article 405 of the Czech Penal Code, which equalizes crimes of the Communist and Nazi regimes, considering political and historical inadequacy of that thesis. This article, due to indistinctness of its legal basis holds the threat of indirect discrimination against certain groups, as well as practically assists in rehabilitating Nazism and brings down the historical meaning of the Holocaust.

3. *General recommendations on the executive bodies on law enforcement and human rights.*

Taking into consideration the high level of xenophobia in the Czech community and, in correlation with it, the growing risk of public stability decline, the following recommendations seem viable:

- a) introduce the position of a special authorized government which deals with discrimination issues;
- b) more actively and less formally investigate cases of Roma discrimination;
- c) do not leave unpunished cases of hate language appearing in the mass media and mass communication;
- d) integrate a special training course for employees of law enforcement agencies, who are ex officio connected to combating hate crimes.

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SUMMARY FOR INDICATORS FOR 2012

No.	INDICATORS	SCORE
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-7.5
2	Xenophobia and inflammatory statements by members of the authorities and media	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	17.5
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
5	Activities aimed at promoting tolerance and preventing extremism	5
6	Status of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	0
7	Incitement of religious and ethnic hatred	-7.5
8	Radical nationalist groups and parties	-12.5
9	Extremist and radical nationalist public actions	-10
10	Racist attacks, violence and terror	-15
11	Presence, popularity and size of anti-fascist and anti-racist movements	15
12	Glorification of German National Socialism and collaborators of Nazi Germany	-5
13	Persecution of veterans and partisans of the anti-Hitler coalition	0
14	International aspects	5
	Total	-15

ESTONIA

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

Indicators

- Discriminatory legislation affecting minorities residing in Estonia in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

Estonia, along with Latvia, is one of the two states EU member states, who had legislatively enshrined discrimination against a significant part of the population. The discriminatory 1992 Citizenship Act, which only recognises those who had a pre-war Estonian citizenship and their descendants. Since 1995, the requirements for knowledge of the Estonian language have been complicated and tests for the knowledge of the Estonian Constitution and the Citizenship Act were introduced. At the same time, the law was amended with a ban on naturalisation of former officers of foreign armies, unless they are married to an Estonian citizen by birth. These provisions were openly directed against the former officers of the Soviet Army.

Naturalisation was slightly more facilitated towards the children born after February 26, 1992, whose parents lived in Estonia for at least five years, graduates of high schools and vocational schools. Since 2004, all exams for citizenship are completely free of charge, and the cost of language courses is fully refunded to those who successfully pass the exam.

As of September 2012, 6.2% of the Estonian population (92,000 people) are still classified as “non-citizens.” In addition, more than 120,000 people living in Estonia (9%) are Russian citizens. Naturalisation rates remain extremely low — 1,500 to 2,000 people per year. This is due to two factors — the complexity of the exams, which was

noted by the survey conducted in 2010 by the University of Tallinn (as stated by 65% of Estonians and 92% of non-Estonians), and the reluctance of people born in the country to go through the humiliating naturalisation process.

Non-citizens and Russian citizens living in Estonia are not allowed to establish or be members of political parties.

Registration of place of residence is a mandatory condition for the non-citizens, if they wish to enjoy various socio-economic and political rights. Upon receiving citizenship, naturalised citizens are deprived the right to dual citizenship, while non-citizens are limited in visa-free entry to a number of countries that have visa-free agreements with Estonia (but may move freely within the Schengen territory with some constraints). They have no right to hold positions in government and local authorities. In addition, they are not allowed to serve in the law enforcement, found a private security firm, hold a notary or attorney position, be a sworn translator, air traffic controller, pilot, etc.

Notably, Article 8 of the Estonian Constitution states, “no person shall be deprived of Estonian citizenship obtained by birth.” However, any person who obtained citizenship through naturalisation may be deprived of if he/she enters service in a foreign army or attempts to forcibly change the constitutional order of the country. Article 6, of the Citizenship Act states that a naturalised person should be loyal to Estonia, where loyalty to the state is generally regarded as loyalty to the political regime. Thus, a young man was denied in citizenship in 2003 on the grounds that the security police found posts on his social network page that authorities deemed offensive towards the Republic of Estonia.¹

Article 9 of the Constitution stipulates that stateless persons may enjoy all the constitutional rights and freedoms guaranteed by the constitution. However, the Basic Law allows for inequalities of non-citizens in certain areas. For example, Article 28 states that non-citizens may be treated unequally in the sphere of social benefits. Article 29 has the same provision towards non-citizens’ right to choose a profession. Article 31 provides for unequal treatment of non-citizens in entrepreneurship. In other words, the Constitution provides for a possibility to discriminate non-citizens in these areas, which can be exploited.

Language Act in Estonia has been changed 17 times since its adoption in 1995. Most recent changes have been made in 2011. The law defines Estonian language as a state language, determines regulatory limits and control over the use of Estonian language both in official and public fields. Changes in 2011 tightened the supervisory roles. The law contains provisions on which persons are required Estonian language proficiency and specifies the specialised exam of Estonian language proficiency. Language Inspection is a supervisory body that monitors the use of the state language in various areas, such as business. Lan-

guage Inspection has the authority to impose sanctions for lack of language use or poor language proficiency.

Estonian language is regarded as important tool for the consolidation of the society. However, in practice, it becomes a tool for assimilation, since under the pretext of a threat to state language it is aimed at displacing the second most used language in Estonia — Russian.

Closing the last loophole for parents who wanted to educate their children in the Russian language, the authorities changed the Law on Private Schools. On July 2, 2012, Chancellor of Justice Indrek Teder stated in the Estonian Parliament (Riigikogu) that private schools in this country will be unable to teach in Russian, as this would be contrary to the Constitutional requirement that teaching should be done in the Estonian language (notably, the Constitution provides the right to education in the state language, however it is not a strict requirement). Therefore, according to Teder, the law on private schools had to be changed, essentially equating them to public schools.² On September 13, 2012, Parliament of Estonia supported the proposal of the Estonian Ombudsman to start preparing amendments to this Law.

On November 22, plans of the Estonian government to convert professional schools to the Estonian language were reported. Under the new draft law on professional schools, at least 60% of the curriculum should be studied in Estonian from September 1, 2020. Such attention to vocational schools was caused by them being a “safe haven” for the Russian-speaking students, who did not want to study in schools with 60% of subjects in Estonian.³

On December 12, Riigikogu rejected a draft law filed by the Centre Party, which would allow municipal gymnasiums and their classes to establish another teaching language besides Estonian. According to the draft law, the school or a separate class that chooses another teaching language had to ensure that its graduates have an above average level of Estonian language proficiency — category B2. The draft law was rejected on the proposal of the parliamentary cultural commission, 50 MPs voted in favour of rejection and 28 MPs opposed.⁴

‘Estonisation’ of schools violated Article 21 of the Law on Elementary Schools and Gymnasiums, according to which the education in public schools and gymnasiums is governed by the regional or city assembly. Article 37 of the Estonian Constitution was also violated, according to which minority schools have the right to decide their language of education.

Estonian government ignored the recommendations of the Council of Europe Advisory Committee on ratifying the European Framework Convention for the Protection of National Minorities (September 14, 2001), recommendations of the UN ECOSOC (November 29, 2002 and December 2, 2011), the European Commission against Racism and In-

tolerance (February 21, 2006 and March 2, 2010). Council of Europe expressed concern with the lack of guarantees for minority languages as the primary language of education and offered solutions to the issues in this field.

- Legislation restricting the voting rights of permanent residents of the country based on ethnicity or country of origin.

Non-citizens and Russian citizens residing in Estonia do not have the right to vote and participate in elections to the Estonian Parliament, the European Parliament or local governments. However, unlike Latvia, non-citizens and Russian permanent residents may elect the representatives of the local government councils. However, they cannot compete in the elections to these government bodies.

- Presence of legal norms or other normative documentation, which legalizes the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.

Citizenship Act and the Education law facilitate forced Estonisation of education and essentially legalise the ideology of radical nationalism, since they deprive an entire category of permanent residents of basic civil rights. Moreover, most of these people were born on the territory of the country. These laws also discriminate against minority languages, particularly Russian, which is a native language of more than 30% of the population.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health-care, worship, etc.

Since 2006, the legal acts adopted by the Estonian government are not translated into Russian language, while access to the already translated Russian versions of the legal acts is paid. As a result, almost a third part of Estonian population has to pay to get access to legislation in their mother tongue.⁵ Estonian Minister of Justice Kristen Michal, speaking at the end of September 2012 in the Riigikogu, stated that an increasing amount of Estonian legal acts is being translated into English at the expense of the state. At the same time, when one of the deputies asked about the possibility to translate documents into Russian, Minister firmly stated that Estonian is the official language and nobody will spend money on Russian translations. He added, "Interest in the Russian translation of the law has greatly decreased and disappeared over time."⁶ In reality, demand for the translation is still very high.

Another commonly violated norm in Estonia establishes that an appeal submitted in a minority language shall be replied in the same lan-

guage, provided that the respective national minority constitutes for more than 50% of the population of the region or county. Proportion of the Russian population, in Ida-Viru County particularly, is significantly higher, but local courts deliver their verdicts exclusively in Estonian.

Administrations of the regions with the majority of Russian-speaking permanent residents can request the government permission on establishing Russian as a second language of the proceedings. However, such requests were never satisfied. In accordance with the law, Narva City Council meetings can only be held in the Estonian language, despite the fact that this body only consists of two people whose native language is Estonian.

On Estonian television, the proportion of foreign-language productions should not exceed 10% of the weekly broadcasting volume.

In 2012, Estonia launched the so-called school reform to facilitate forced assimilation. As a result, 60% of all general education courses in Russian national schools will be taught in the Estonian language and 40% in Russian. Similar reform has been conducted in Latvia in 2007, bringing down the average grades of the Russian-speaking students.

On July 16, 2012, it was reported that Tallinn Administrative Court examined the complaints of Narva and Tallinn municipalities, who were trying to appeal the decision of the Estonian government to deny a petitions of Russian schools on the preservation of Russian as the primary language in gymnasiums. Court ruled that Russian language is preventing the state to preserve the Estonian identity.⁷

After the Tallinn Kesklinn Russian gymnasium filed another similar appeal, the school headmaster was invited for questioning by the security police. He had refused the invitation, which led to security police visiting school themselves in July 2012. In September 2012, it was reported that a criminal case has been initiated against the school board, in connection with this petition. The headmaster was held as a witness.⁸

Estonian Security Service (KaPo) is actively involved in the fight against Russian schools. For example, in 2012, they used their preferred technique — publication of their opinions on domestic and foreign policies in their annual report. Like any intelligence agency, Estonian Security Service is an enforcement body that should execute the decisions made in the field of national security, rather than intimidate the civil society in the interests of one political force. Nevertheless, KaPo uses their annual report to produce a “diagnosis” based on the activities of various social and political organisations.

The 2011 KaPo report stated that the Centre Party MP Yana Toom, vice mayor of Tallinn and member of the same party Mihhail Kõlvart, who represents the Ida-Viru county (90% is Russian-speaking population) and the co-founder of the Estonian Anti-Fascist Committee Mih-

hail Stalnuhhin allegedly *forced* the Russian schools of Tallinn and Narva to submit statements on preserving Russian as the teaching language.⁹ KaPo report characterised the activities of these three officials as “subversive.”

Moreover, Mr Kõlvart was directly accused of collaborating with representatives of the Russian Embassy in Tallinn.

Given that Estonian legislation still allows schools to choose the language of education and provides the appropriate procedure, how can one “force” the minority schools to appeal for their language of education remains a mystery.

Outraged by such pressure from the Estonian security service, MP Yana Toom filed a complaint to the Tallinn Administrative Court on May 20, 2012, demanding to stop access to her personal information and refute the false allegations contained in the KaPo annual report.

Mr Kõlvart did the same a little earlier. Vice Mayor also refuted the statement made by the Director of the Security Police Raivo Aeg, that “Kõlvart fights against the execution of the current law of the Republic of Estonia, i.e. the law that the local government officials would have to perform.” In addition, according to the Vice Mayor, KaPo does not have the authority to issue such assessments on individuals. Tallinn Administrative Court dismissed Kõlvart’s lawsuit, who later appealed to a superior court.

On November 20, 2012, the court also dismissed Yana Toom’s lawsuit, claiming that the MP obviously “opposes the transition of Russian schools to Estonian language and actively spread her beliefs in the Russian schools and in the media,” which was considered as “pressure on the national minority educational institutions.” On December 20, Toom appealed the court’s decision.¹⁰

In late October, chairman and the recorder of gymnasium’s Board of Trustees Oleg Besedin and Alisa Blintsova were accused of faking the protocol of the Board meeting where they decided to reapply the petition for Russian language in the school. Besedin called the situation absurd.¹¹ On November 6, it was reported that Alisa Blintsova, who worked as a teacher and taught in Estonian prisons, was “offered” to resign “by mutual agreement.”¹²

Looking ahead, it is worth mentioning that in 2013 the criminal case against these persons was dismissed for a lack of evidence.

In November, it was reported that Estonian Ministry of Education rejected the Linnamäe Russian Lyceum in Tallinn in converting to a private school (which would avoid forcible “Estonisation” of education). The formal reason for this was that 3 of 59 teachers lacked the required qualifications.¹³

Meanwhile, head of the Department of General Education of Ministry of Education and Science Irene Käosaar was interviewed by

rus.err.ee portal on September 18, where she proposed that students who wish to continue their education in Russian “choose another country to live and receive an education.”¹⁴

Since February 2012, prison uniform in Estonian prisons includes letters A, B and C in addition to inmates’ names. These letters indicate prisoner’s level of knowledge of the Estonian language. This was discovered after one of the prisoners addressed a letter to the director of the Institute of Estonian Language Urmas Sutrop.

Russians and other foreign prisoners who barely speak Estonian were marked with the letter A. Prisoners with an average Estonian knowledge were marked with letter B. Estonians were issued the letter C. “These three letters indicate levels of language proficiency, where A is the lowest, and C is the highest,” Sutrop explained.

As Sutrop comments, “This reminds me of the Holocaust, when Jews were marked with the yellow Star of David on their chests. In Estonia, Jews were marked in this way on September 11, 1941. In addition, Jews were forbidden to use public transport, attend school and to walk on the sidewalks. Those who weren’t murdered before they were branded were killed afterwards.”¹⁵

On November 22, the Estonian MP Yevgeny Osinovsky told BNS (Baltic News Service) that Russian-speakers in Estonia “are faced with a glass ceiling effect. Advancement up to a certain level is possible, but no further. The question is how objective and how subjective this ceiling is.”

Osinovsky continued, “If we objectively look at the government, Ministry officials, the State Chancellery, it would be hard find a Russian-speaker there. Question: Why? Is it because they are not allowed or because Russians themselves lack motivation to stand for these positions? Most likely, it is both.”

Osinovsky noted that the state does not provide sufficient help to the Russian-speaking population in learning Estonian language at a level that would make them employable.¹⁶

At the same time, the authorities pretend that the human rights situation in Estonia is completely satisfactory, but keep away from the independent human rights activist. For example, during an annual conference of the Estonian Institute of Human Rights in Tallinn on December 10 — the International Human Rights Day — the authorities tried to deny the first Vice-President of the International Human Rights Movement “World Without Nazism” Dr Valery Engel, even though he was personally invited by the President of Estonia Toomas Hendrik Ilves — patron of the conference.

Dr Engel was informed that he was supposedly not on the list. Three other members of “World without Nazism” were in a similar situation — Joseph Koren from Latvia, Moldovan MP Inna Supac and a Finnish human rights activist Johan Beckman.

Valery Engel was let into the building only after the local media reported about an attempted cancellation of his invitation to the conference; however, he was not given the opportunity to speak. It turned out that human rights problems in Estonia were hardly discussed during the conference (such as the problem of “non-citizenship,” glorification of Nazism, etc.) All attention was drawn to the human rights violations in third countries.

Dr Engel himself commented on the incident, “I think there was a certain pressure from the OSCE on the Human Rights Institute of Estonia that such conference should not be held without inviting representatives of human rights organisations that have a different point of view and are willing to discuss the topic of human rights in the Baltics. So they have sent out invitations, but then they found out that we were actually going to attend the conference and meet the Estonian human rights activists, they got scared and decided to remove us from the list of invitees.”

Orthodox Christmas and Easter (unlike Protestant) are not considered holidays in Estonia, including places of compact Orthodox population. Recognition of these holidays in schools requires municipality’s permission, as well as school headmaster and the board of trustees. In practice, this can be rather difficult outside the north-eastern regions of Estonia that are mostly Orthodox.

While it is possible to celebrate the Orthodox Christmas, as it falls on a holiday vacation period, Orthodox Easter, for example, is impossible to celebrate.¹⁷

Discrimination of Russian-speakers in employment is also common. This situation occurs even when a job seeker demonstrates great Estonian language proficiency and sufficient professional skills. As a result, unemployment rate among Russian-speakers remained higher than that of ethnic Estonians (18.2% and 9.7% respectively, as of 2011). Roma are also subjected to discrimination in employment.¹⁸

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Discriminatory legislation affecting minorities residing in Estonia in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5
×	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin	-5

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication	-5
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5
	Total for section 1	-20

2. Xenophobia and inflammatory statements by members of the authorities and media

On January 3, a local “socialite” Margret Järv appeared on a TV3 programme *Õhtusöök viiele* (“Dinner for five”) and stated, “Why not give residence permits to the gifted, educated and financially secure people? It’s better that than some... Lasnamäe Russians!* They are, frankly, completely useless!”

On January 4, Margret Järv explained her words on *Õhtusöök viiele*. However, instead of an apology, new insults followed. According to Järv, each person is somehow useful “some more, some less.” “Russians from Lasnamäe are very useful: who else would have offer Russian-language customer service in *Maxima* stores, hassled in queues, and spread infectious diseases?”¹⁹

On January 23, 2012, adviser of “Fenno-Ugria” non-profit organisation (Tallinn) Jaak Prozes gave an interview to FINUGOR, stating that Russian language to Estonians in Estonia is not, in fact, a minority language; rather, it can be considered a language of a dominant nation, imposing it on other people. He also accused Russians of “aggression against other languages.”²⁰

Authorities, represented by the Minister of Finance Jürgen Ligi tried to play the “Russian card” in the confrontation with the teachers’ strike, which took place on March 7 to 9. Mr Ligi stated that demands expressed in Russian language are particularly scary.²¹

On June 1, Estonian Minister of Education Jaak Aaviksoo was outraged by the behaviour of Maardu gymnasium administration, whose

* Lasnamäe — district in Estonia — editor’s note.

pupils visited the military-sports camp in Russia. “Educating children on different values to those that have accepted and unanimously approved by the Estonian society is unacceptable and reprehensible.” Aaviksoo offered an alternative in the promotion of “values approved by the Estonian community” — camps *Noored Kotkad* (Young Eagles) and *Kodutütred* (Home daughters) that are actively participating in the rallies of SS veterans in Sinimäe.²²

In an interview published in newspaper *Latvijas Avīze* in June 2012, Estonian President Toomas Ilves called the commemorative rallies held at the “Bronze Soldier” monument and dedicated to the liberation of Tallinn from the Nazis, “very unpleasant protests of drunken people.”²³

On June 15 it was reported that a school textbook on Russian language in Estonia (authors: Natalia Zamkovaya and Irina Moiseenko, published by Koolibri) depicted Estonian Russians as drug addicts.²⁴

On October 29, head of the pro-government Centre for Human Rights of Tallinn University of Technology, Professor Evhen Tsybulenko expressed his dissatisfaction with the fact that one of the sentenced in the April 2007 case on protests against the demolition of the “Bronze Soldier” was compensated the financial losses incurred in court by the Russian Foundation for Support and Protection of Compatriots Abroad. He stated that such crimes should be punished with jail time.²⁵

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Xenophobia and inflammatory statements of the authorities and the media	-5
	Total for section 2	-5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist and anti-extremist legislation, and legislation directed against incitement of ethnic and religious hatred in the country.

Article 12 of the Estonian Constitution states, “No person shall be discriminated based on his nationality, race, colour, gender, language, origin, religion, political or other opinion, property or social status or other circumstances. Incitement of national, racial, religious or political hatred, violence or discrimination is prohibited and punishable by law.

Incitement of hatred, violence or discrimination between social strata is also prohibited and punishable by law.”²⁶

The Penal (Criminal) Code of the Republic of Estonia contains Article 151, “Incitement of Hatred,” as well as Article 152, “Violation of the principle of equality.” Both establish liability for violation of the above-mentioned articles of the Constitution.

Estonia has the Law on Cultural Autonomy of National Minorities (1993), but it does not apply to non-citizens. National minorities have certain rights. For example, the Language Act (adopted in 1995, last edition — 2011) guarantees communication with the state authorities in minority language, if half of region’s population represents a certain national minority. However, because non-citizens are not regarded as ethnic minorities, they do not have access to this right. Vast majority of non-Estonians in these areas are also non-citizens.

Antiracist elements are also present in the law on employment contracts, which prohibits discrimination based on race, ethnicity, language proficiency, religious or other beliefs.

On December 11, 2008, in order to implement the EU Directive 2000/43/EC (June 29, 2000) on equal treatment regardless of race or ethnicity, Estonia adopted the Law “On Equal Treatment.” Its goal is to protect individuals from discrimination on the grounds of nationality (ethnicity), race, colour, religion or belief, age, physical and/or mental disability or sexual orientation.

- Presence and improvement of anti-discriminatory legislation.

Article 9 of the Estonian Constitution establishes equal rights of Estonian citizens, foreign nationals and stateless persons residing in Estonia. However, the Citizenship Act and other legislation favours the citizens (see Section 1), bringing these provisions to naught. Joining the Framework Convention for the Protection of National Minorities (1997), Estonia made a reservation that only persons possessing Estonian citizenship may be attributed to national minorities.

On June 29, 2000, the Council of the Europe adopted Directive 2000/43/EC “On the enforcement of the principle of equality of persons irrespective of racial or ethnic origin.” According to EU rules, all EU candidate countries had to bring their legislation in line with this Directive. Thus, Estonia adopted the Gender Equality Act in 2004, just before its accession to the EU. In the same year, Estonia amended the Employment Contract Law, which only covered the private sector. Nevertheless, it included the concept of direct and indirect discrimination. Estonia also adopted the Law on Legal Chancellor, which turned the Estonian Bureau of the Ombudsman into an anti-discrimination body.

The Equal Treatment Act, which was originally intended to bring the national legislation of the country in compliance with the EU Directive,

was adopted only in December 2008, after a series of failed votes in the Parliament. The Act defined the direct and indirect discrimination, harassment and other provisions contained in the EU Directive. Furthermore, these provisions covered not just the private sector, but government officials as well. Thus, Estonia introduced legislation that protect public sector workers from discrimination on such grounds as race, colour, religious beliefs and even language skills. In addition, the law was later amended with rules relating to victimisation (protecting victims of discrimination, who have initiated a lawsuit against their employer).

However, the Estonian legislative introduced an amendment to the Estonian Public Service Act that has practically neutralised the anti-discriminatory provisions of the Equal Treatment ACT. Article 36-1 of the Public Service Act states that unequal treatment on the basis of language cannot be considered discrimination if such treatment is permitted by this Act or the Language Act. By introducing this exception, Estonian parliament has refused to fully comply with the Directive 2000/43/EC. Thus, Estonia only partially follows the European anti-discriminatory norms.

- Compliance of the authorities (central regional, municipal), the law enforcement and judiciary, with anti-Nazi, anti-racist and anti-extremist legislation. Compliance with anti-discriminatory legislation and legislation directed against the incitement of ethnic and religious hatred.

Considering the one-sidedness of such legislation in Estonia and its contradictory nature, the legal practice also remained highly controversial in 2012.

Most notable violations were related to attempts to force Russian schools to convert 60% of their courses to Estonian language, which is contrary to the current legislation (see details in Section 1). Moreover, the security police took an active part in this process, accusing prominent politicians of pressuring the minority schools to abandon the transition to Estonian language. Tallinn Administrative Court supported the security police in this sentiment.

The law enforcement and the judicial authorities should not have intervened in this socio-political process. Furthermore, they should have defended the national minority's right to education in their mother tongue. Instead, these institutions violated Estonian anti-discrimination legislation, the Constitution and the Law on Basic Schools and Gymnasiums.

In addition, several cases of xenophobia and incitement of national hatred have been recorded in 2012.

As already mentioned, Margret Järv made a statement in January 2012 which was obviously aimed at incitement of ethnic enmity in the

country (see Section 2). Authorities made no response to this incident or any other xenophobic actions and statements listed in the previous section.

There was also no response to the distribution of reprinted books from the Nazi occupation time, such as *Eesti rahva kannatuse aasta* (“Year of suffering of the Estonian people”) issued by the “Estland General District Municipality, Ostland Reich Commission” in 1943, and containing anti-Russian and anti-Semitic propaganda.²⁷ Calendars issued by *Grenader Grupp*, depicting posters of the Nazi occupation era that glorify the Estonian Waffen SS legion, were openly available in a network of bookstores.

Thus, it can be concluded that anti-hate and anti-discrimination legislation was not enforced or complied with in Estonia in 2012.

- Responses to hate crime (criminal proceedings against organisers and participants, convictions)

Despite numerous cases of incitement of hatred (see above), criminal cases related to these incidents were not recorded by the monitoring in 2012.

- Unlawful use of anti-extremist legislation.

Estonian security police (KaPo) is actively using the practice of declaring the undesirable individuals and organisations as “enemies of Estonia.”

In April 2012, KaPo published an annual report for 2011, where the category of “enemies of Estonia” was filled with organisations focused on the support of Russian compatriots abroad, such as the Coordination Council of Russian Compatriots in Estonia, NGO “Russian School in Estonia,” as well as several members of parliament — a former Vice Mayor of Tallinn and chairman of the Association of Deputies of National Minorities Yana Toom, MP Mikhail Stalnuhin, Vice Mayor of Tallinn Michael Kõlvart. The list also included the Information Centre for Human Rights and its director Vadim Polishchuk, the International Human Rights Movement “World Without Nazism” and its leader Boris Spiegel along with Estonian members of the movement Andrei Zarenkov, Dmitry Linter, Maxim Reva, Regnum agency and its chief editor Modest Kohler, portal baltija.eu, RT channel and its reporter Alex Yaroshevski.²⁸

As already mentioned, the Estonian Security Police unleashed an unprecedented persecution campaign against the defenders of Russian schools, accusing three known Estonian politicians of “forcing” national minority schools to keep their language. The agency initiated a criminal case against the Russian school activists O. Besedin and A. Blintsova under false pretences. In spring 2013, these criminal cases were closed for lack of evidence.

Furthermore, on April 12, the director of the Security Police Raivo Aeg accused Mihhail Kõlvart of unauthorised contact with a Russian diplomat, implying that his activities in support of the Russian-language education is supported by Russia as anti-Estonian.

In essence, the security police abused its authority, and under the guise of combating “actions of an external enemy” (implying Russia), pressured the civil society institutions in the interests of the Estonian Reforms Party nationalist policies.

On the other hand, Estonia is the only Baltic State that resisted from introducing penalties for the demonstration of Soviet symbols to its Criminal Code.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-Nazi, anti-racist and anti-extremism legislation, legislation against incitement ethnic and religious hatred in the country	5
-/×	Presence of anti-discrimination legislation	2.5
-	Compliance of the authorities (central regional, municipal), the law enforcement and judiciary, with anti-Nazi, anti-racist and anti-extremist legislation. Compliance with anti-discriminatory legislation and legislation directed against the incitement of ethnic and religious hatred	0
-	Counter-actions against hate crimes (criminal cases against organisers and participants, convictions)	0
×	Unlawful use of anti-Nazi, anti-discrimination and anti-extremist legislation	-5
	Total for section 3	2.5

4. Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

Such statements are rare, situational and usually a reaction to some scandalous event.

The Social Democratic Party of Estonia (SDPE) can be distinguished in this sense. On January 9, member of the party’s presidium Vadim Belobrovstsev criticised the lack Russian language versions of the

legal acts. “The situation where almost a third of Estonia’s population is unable to read the texts of the laws in their mother tongue is unacceptable,” Belobrovstsev stated, “Government’s attempts to justify this state of affairs with a lack of funds cannot be taken seriously. If there is enough funds to provide free access to English translations, then there should be enough for Russian translations.”²⁹

On September 21, it was reported that the Social Democratic Party submitted its own version of the amendments to the draft integration programme *Lõimuv Eesti 2020*.

Social Democrats offered to pay more attention to the improvement of civic education, as well as to receive government assurance that non-Estonian speakers will continue to receive high quality education, which would facilitate equality on the labour market and, as a help socio-economic integration.³⁰

On March 15, Member of Estonian Parliament Yana Toom (Centre Party) laughed at the statements of Finance Minister J. Ligi about “Russian undertones” in the teachers’ strike. Ms Toom noted that government uses such allegations to reduce a nationwide wave of discontent and change the subject to the national issue, to explain that Russians are a threat.³¹

Anti-xenophobic rhetoric is also used by municipal politicians.

On January 5, the member of the Lasnamäe council Olga Ivanova published her comments on Margret Järv’s statements. Ivanova noted, “It should not come as a surprise that Russophobic statements, though not from the most prominent member of the ‘fashionable society’, will cause condemnation from the Russian-speaking residents. However, in a certain sense the stupidities said by Margret Järv is a loyalty check for Estonian-speaking section of our society. By the following response (or a lack of it!) we will be able to judge how democratic and how tolerant our society really is.”³²

Deputy of the Tallinn Legislative Assembly, chairman of the Commission on Law and Order Max Kaur commented on the desecration of the Bronze Soldier monument on March 15, “...surely we must do everything possible to protect the Bronze Soldier from vandals.” “Although police responded quickly, it was not enough to arrest the vandals. I think police should strengthen the operational security of the Bronze Soldier. If necessary, we must consider strengthening the protection of the Bronze Soldier using the municipal police department of the capital as well.”³³

Vice Mayor of Tallinn Michael Kõlvart harshly reacted to the anti-Semitic “joke” in the newspaper *Eesti Express*.^{*} On September 5, he made

* Newspaper “Eesti Ekspress” published photos of Nazi-camp death prisoners as a advertisement of anti-obesity drugs. Nazi butcher Jozef Mengele was also mentioned in an advertisement, who had conducted terrible experiments on people — *editor’s note*.

a Facebook post, stating, “How can anybody joke about mass destruction? Dear editors of Eesti Ekspress, did you know that 56,549 people were tortured in Buchenwald? And that Mengele, who by the way, operated in Auschwitz and not in Buchenwald, conducted monstrous experiments on Jews? He was personally involved in the selection of prisoners and sent more than 40,000 people to the gas chambers. Do you think this is funny?”³⁴

On September 10, Chairman of the Press Council Eve Rohtla called the publication “an ugly joke” and noted that *Eesti Ekspress* went beyond its limits, “If we let’s say, wrote the Ten Commandments and tried to joke about them, it would have been hell of a joke. This should be avoided. (...) So, we forgive Estonians and their humorous sketches about deportation. Though we forgive for the sake of people’s suffering and fates. But if a representative of some other nation makes a joke like that, how would we react? How would we, Estonians, react to a joke about the sunken ferry *Estonia*? There’s not much to guess. On this occasion, there is a saying: Never mention a rope in the house of a man.”³⁵

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
	Total for section 4	5

5. Activities aimed at promoting tolerance and preventing extremism

Ministry of Culture founded the Integration and Migration Foundation *Our People* (MISA), which supports a number of projects for promoting tolerance and integration. MISA’s budget for 2012 consisted of funds from the Ministry of Culture, the Ministry of Education and Science, the European Social Fund and the European Fund for the Integration of Third Country Nationals.

On March 7, the Council of MISA approved an action plan for 2012, according to which 70 different activities in the field of integration will be held across Estonia. 5.5 million euro has been allocated for these events. Most of the events support the study of the Estonian language. Monitoring has no information on the support for minority languages in the programmes of this organisation.

Our People funded Estonian language courses for more than 3,500 people, which cost 1.3 million euro altogether. Programme provides additional training for teachers, speech therapists, students of vocational schools and universities, youth workers, public sector employees, people preparing for professional examinations, the unemployed, immigrants and others. Over 1,300 different training locations were planned for teachers. Programme offers a refund after the Estonian language exam.

To obtain Estonian citizenship, the foundation offers free training courses for 900 persons with undetermined citizenship living in Estonia and foreign nationals. The courses are designed to prepare their students for the exam on Constitution and citizenship. More than 142 thousand euro was allocated for foreign youth communication and collaborative work. More than 9,000 young people will be able to participate joint events. Under these programmes, funding was allocated to the theatrical festival *Golden Mask in Estonia*, *Tarkovsky Days*, *Narva Energy Marathon* and *Narva Jazz* festival.³⁶

On June 5, 2012, it was reported that Estonian TV documentarians, supported by the European Fund for the Integration of Third Country Nationals, the Ministry of Culture of Estonia and the Integration and Migration Foundation *Our People*, created a 16-episode TV series, *Intertwined Lives*, centred around stories of Estonian couples where the husband and wife are of different nationalities.³⁷

On April 16, 2012, the project “Kitchen brings people together!” was launched with the support of the European Fund for the Integration of Third Country Nationals, the Integration and Migration Foundation *Our people* (MISA) and the Estonian Ministry of Culture. Under the project, Estonian, Ukrainian and Belarussian residents of Estonia jointly held seven events devoted to the peculiarities of national cuisines.³⁸

On March 22 and 23, discussions were held in Tallinn and Ida-Viru, where Estonian citizens living in other countries made proposals for a new development programme of integration and social cohesion *Lõimuv Eesti 2020*. Registered people could pick topics for discussions and choose the most pressing issues. Special attention was paid to the problems of the labour market and education.

However, integration activities are strictly limited by the xenophobic attitude of the government. On September 21, 2012, it was reported that in the programme *Lõimuv Eesti 2020*, non-citizens were referred to as “residents of immigration origin” (*immigranttaustaga elanikud*), while the integration programme itself focuses on the study of the state language.³⁹

Besides the activities of MISA foundation, anti-xenophobic initiatives are supported by other organisations, and even some government bodies. On June 22, 2012, the Day of Memory and Mourning, an open-

ing ceremony of the monument to victims of the nearby Nazi concentration camp was held in Paldiski.

The monument was erected on the initiative of the Russian community of the city, with the support of the Municipal Assembly of Paldiski, its chairman Nicholas Pichugov and Mayor Kaupo Kallas. The idea of perpetuating the memory of people tortured by the Nazi occupiers belonged to Vladimir Zimin — former infant prisoner of the concentration camp of Paldiski.⁴⁰

On October 27, 2012, activists of the Military History Club *Front Line*, supported by the Ministry of Defence of Estonia, organised a trip to Saaremaa island for veterans, dedicated to the 70th anniversary of the Estonian Rifle Corps.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Activities aimed at promoting tolerance and preventing extremism	5
	Total for section 5	5

6. Immigrants' standing in the society, society's attitude towards immigrants, foreigners, various ethnic groups

Indicators

- Presence and improvement of the migration law.

Immigration is regulated by the Aliens Act, adopted in 1993 and repeatedly supplemented. Article 6 of the mentioned law introduces the concept of immigration quotas, stressing that the maximum number of foreign immigrants shall not exceed 0.05% of the permanent population of Estonia. Immigration quota is set by the government of the Republic.

Interior Minister may set the distribution of the quota via appeal and residence requirements, as well as its distribution throughout the year. However, this quota does not include ethnic Estonian immigrants and their relatives, as well as citizens of the United States and Japan. Foreign national's stay without a legal residence permit or a contract of employment is punishable by up to 300 penalty units. Similar offenses committed by a legal entity are punished by a fine of up to 50,000 kroon (3,200 euros). Immigration is governed by the Office of Citizenship and Migration Affairs — a bureau within the Estonian Department of Police and Border Patrol.

After joining the European Union, Estonia had to bring its legislation in line with the existing EU directives. Therefore, Estonia adopted 48 amendments to the above-mentioned law. The latest amendments were made in 2012. The law defines foreign nationals and stateless persons, including Estonian non-citizens as “aliens.” In 1996, non-citizens received special “alien” passports.

In 2006, the country adopted a law on EU citizens, which brought Estonian legislation in line with the EU Directive 2004/38.

In 1997, Estonia adopted the Law on Refugees, which regulates the refugee status in the Republic of Estonia in accordance with the accepted international standards and regulates the process of obtaining such status.

- Authorities’ compliance with such legislation (law enforcement practice).

In 2011, the number of immigrants to Estonia was significantly less than the number of residents who left the country. According to the Department of Statistics, 3,709 immigrants arrived to Estonia and 6,214 residents permanently left the country.⁴¹ In other words, The Republic of Estonia is not a popular destination for migrant workers. It is estimated that 60,000 Estonians migrated to Finland, and 15,000 work there.⁴²

At the same time, illegal immigrants use Estonia as a transit country to enter the more developed EU countries. These mainly include citizens of Russia, Georgia, as well as various Asian and African countries.

Estonia does have a law on refugees, however the country is not trying to attract refugees. Number of such persons in Estonia is one of the lowest in the EU: in 2012, only 7 people received this status. It should also be noted that there are not many requests for asylum in this country. During the monitored period, only eight more cases were pending.⁴³

All in all, it can be said that immigration legislation was well enforced in Estonia over the monitored period.

- Discriminatory practices against immigrants.

No discrimination practices against immigrants were recorded by the monitoring in 2012.

- Use of the “ethnic crime” topic in order to discriminate against immigrants.

As Estonia is a supplier of migrant workers to the EU member states, the topic of immigrants and ethnic crime is not relevant and almost never used in the country. However, for nationalists Estonians, “immigrants” are primarily Russians who arrived during the Soviet period and their descendants. Statements concerning them sometimes fit the topic. For example, the already mentioned Margret Järv (see Sec-

tion 2), explaining her Russophobic feelings in an interview on Estonian television stated that all evil comes from the Russians.

Nevertheless, it cannot be said that “ethnic crime” topic is used to incite ethnic hatred in Estonia.

- Social welfare for immigrants.

The 1997 Refugee Act guarantees them a state allowance, child benefit, the right to work and the right to receive unemployment benefits, social benefits, and others.⁴⁴

Foreigners possessing a temporary residence permit enjoy the fundamental social rights and privileges equal to citizens.

Since August 2012, Estonia offers teacher help services for integration of new immigrants in Estonia (TULE). The aim of the project is to help legal immigrants who lived in Estonia for less than three years in the following areas:

(1) information about the various opportunities in language learning, finding employment and education, healthcare, and various social services in Estonia;

(2) information about the activities of the special MISA programme for adaptation;

(3) familiarisation with the Estonian lifestyle, culture and others through excursions;

(4) other support services (e.g. translation services, language support and so on);

(5) training services for job hunting and migrant workers' clubs.

The project is financed by the European Fund for the Integration of the Third Country Nationals, the Ministry of Culture and the Integration and Migration Foundation *Our People*.⁴⁵

- Negative attitude towards immigrants, foreigners, different ethnic groups.

Xenophobic sentiments are strong among the Estonian population (according to observers, 60% of Estonians share xenophobic views). Experts note, “On the one hand, the authorities cultivate fear of a possible Russian conquest of Estonia. On the other hand, blame the Russians for their mistakes and failures. It is convenient you can feel your superiority over them without doing anything special, self-asserting through discriminatory laws, demolishing monuments, discrediting political leaders. You can humiliate the man, get pleasure from it and feel like a superman, standing taller than other people. The right to humiliate a man of another nation is an everyday privilege of Estonians and a political privilege of the right-wing ruling parties.”

This approach is also characteristic for the education system in Estonia. According to some members of parliament, the content of the

Russian language textbooks in Estonia, not only discourages their desire to learn Pushkin’s language, but also creates a very negative perception of Russian-speaking Estonians.

Yana Toom enquired the Minister of Education regarding the portrayal of Russian-speaking residents of Estonia in the school textbook, where they are depicted as drug addicts.⁴⁶

Board member of the conservative People’s Party of Estonia Martin Helme, stated on April 26, 2012, that Russians are hostile towards Estonians.

“If they could, they would have deported us again,” Helme claimed, “The nature of the Russian people hasn’t changed for neither five nor fifty years.”⁴⁷

A gradual increase of homophobia in the society is also noticed. During the year, the Commissioner for Gender Equality and Equal Treatment received seven complaints of discrimination based on sexual orientation.⁴⁸

Sometimes xenophobia takes on grotesque forms. On September 7, 2012, it was reported that one “alert” pensioner claimed that the facade of the oldest educational institution in the country — the Tallinn Mustjõe gymnasium — was decorated with a St. George ribbon during the repair. St. George ribbon is the symbol of victory in the Great Patriotic War.⁴⁹

Such sentiments have led the formation of a bi-communal state, in which members of these communities rarely communicate with each other. Thus, according to a survey published on November 7, Estonian high school pupils are watching the news exclusively in their native language, excluding the foreign media such as CNN, Euronews.⁵⁰

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence and improvement of immigration laws	5
×	Authorities’ compliance with such legislation (law enforcement practice)	5
–	Discriminatory practices against immigrants	0
–	Use of the “ethnic crime” theme in order to discriminate against immigrants	0
×	Social assistance for immigrants	5
×	Negative attitude of the society towards immigrants, foreigners, various ethnic groups	–5
	Total for section 6	10

7. Incitement of religious and ethnic hatred

Indicators

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

In 2012, calls for ethnic enmity have been noted in the Estonian media as well as from members of the public and the political parties (see sections 2 and 6 of this chapter).

In addition, the construction of a negative image of the largest minority in Estonia — Russian-speakers was characteristic even for the education system of the country (see section 6).

- Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.

Copies of Nazi books published during the German occupation of Estonia in 1940s and containing anti-Semitic and anti-Russian views are freely distributed in Estonia. The same goes for calendars and posters of the Nazi occupation, glorifying Waffen SS legionnaires and mocking the leaders of the anti-Hitler coalition, such as Joseph Stalin and Winston Churchill. For example, some posters read, “Join the SS — protect your homeland from the Eastern barbarians!”

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts	-5
	Total for section 7	-10

8. Radical nationalistic groups and parties

Indicators

- Presence of neo-Nazi and ultra-nationalistic groups, movements, political parties (both in centre and in the localities).

The main party adhering to the ultra right-wing ideology is the “Pro Patria Union (Isamaaliit) and Res Publica” (created in 2006 by merging the two right-wing parties and led by Urmas Reinsalu).

On March 24 the formation of a new nationalist party became known. The party was founded as a result of the fusion of the People's Union and the Estonian nationalist movement of Estonia into the Estonian conservative People's Party.⁵¹

The extreme nationalists also include the Julius Kuperjanov Society, Tallinn nationalist club, the Estonian Independence Party, the Freedom Party of Estonia — the Farmers Union and the Tenants Association Kristiine.

There is also a militant nationalist organisation the Estonian Defence League — “Kaitseliit” (the armed militia having 22,000 people is four times the size of the army), founded on ultra right-wing ideology. The organisation uses the Estonian Waffen SS soldiers as role models for educational purposes.

- Discriminatory demands towards the minorities in programmes of these parties and in statements of their leaders.

The manifestos of the organisations mentioned above would usually contain discriminatory requirements regarding minorities.

For example, the Pro Patria Union and Res Publica demanded complete “Estonisation” of schools and announced its support of the “fighters for independence” (i.e. the pro-Nazi collaborators) in its 2011–2015 elections manifesto. The programme also clearly indicated support of the current policy of discrimination regarding granting of citizenship: “We firmly believe that zero-option citizenship and reduced requirements for Estonian language do not suit the interests of Estonia.”⁵²

The recently established Estonian Conservative People's Party has the common Estonian nationalism feature inherent in many parties of the country, but this particular party stands out due to its tough anti-immigrant ideology and Euroscepticism. Racist statements of Mart Helme, the party leader and former Ambassador of Estonia in Moscow, have already become the subject of proceedings in the Riigikogu.

The Estonian Independence Party also promotes nationalism and Euroscepticism. The party favours the dominance of Estonians in Estonia, as well as the exit from the European Union; it is also against the simplification of the process of obtaining citizenship. Yet the NATO membership is considered useful.

Other nationalist parties have similar demands within their political programmes.

The statements of ruling Estonian Reform Party are very much alike the statements of the aforementioned parties with the exception of straightforward racist demands on immigration and Euroscepticism.

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human right organisations.

The members of the “Pro Patria Union (Isamaaliit) and Res Publica” actively promoted various discriminatory initiatives of the authorities, including any further forced “Estonisation” of the education.

Nationalist views have gained considerable support within the community, as shown by the number of votes cast in favour of the nationalists in the elections. Thus, the elections in 2011, with an average figure of 20.5% of voters, the most support was received in the area of Tartu (in the city itself — 24%, and in the counties of Jõgeva and Tartu — 26%), as well as in the counties Järvamaa and Viljandi (23%). The least amount of support for the nationalists was observed in the region of Ida-Viru, where 10.7% of the population are of Russian origin.⁵³

- Neo-Nazi and radical nationalist influence over the local legislative and executive bodies.

Not only citizens, but also non-citizens of the country get to participate in the local council elections, although the right to be elected is granted only to the Estonian citizens and the citizens of any of the EU countries residing in the Republic for more than 6 months. Exactly this was the reason for the success of the opposition Centre Party in the 2009 elections. The party when controls Tallinn and a majority of other councils. Nevertheless, the nationalists of the “Pro Patria Union and Res Publica” came in third, gaining an average of 14.1% of the votes in Estonia.

Several dozen district chairmen and their assistants, chairmen and members of the district councils of almost all Estonian counties are part of the “Pro Patria Union (Isamaaliit) and Res Publica” party. Therefore, this impact should be described as limited.

- Neo-Nazi and radical nationalist influence over the central legislative and executive institutions.

The “Pro Patria Union and Res Publica” is the only radical nationalist party, which is traditionally included in the Riigikogu and the government. As of 2007 it is a part of the ruling coalition. In the parliamentary elections of 2011 the party received 20.5% of the votes and 23 seats in the parliament. Compared to the elections of 2007 the party lost 6 seats yet still managed to retain the third result.

In addition, E.Ene, a party member, is the head of the Riigikogu. Currently the members of the party have the following ministerial posts: Minister of Defence (U.Reinsalu), Minister of Economic Affairs and Communications (J.Parts), Minister of Education (J.Aviksoo), Minister of Agriculture (H-V.Sider), Minister of the Interior (K-M.Vaher), Minister of Regional Affairs (S.Kiisler).

Based on this it can be concluded that the extreme nationalists do influence the central authorities in the Republic.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities)	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities	-5
×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations	-5
-/×	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies	-2.5
×	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies	-5
	Total for section 8	-22.5

9. Extremist and radical nationalist public actions

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

No such events were registered in 2012.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

Often in late July Neo-Nazi radicals conduct mass action, dedicated to the memory of veterans of the Waffen SS, in the town Sinimäe in Vaivara (Ida-Viru County) near Narva. In the course of operation of Narva in 1944 the largest battle of the Second World War took place in that area, where the soldiers of the Estonian Legion of the Waffen SS fought alongside Hitler's troops.

After gaining independence in 1991, monuments dedicated to the Estonian SS legionnaires and Belgian and Dutch SS men, as well as the memorials Norwegian and Danish collaborators, were erected next to the monument to the fallen soldiers of the Red Army in Sinimäe. The events in Sinimäe are traditionally attended by the SS veterans, nationalists and neo-Nazis from Latvia, Belgium, Lithuania, Norway, Denmark,

Holland, Belgium and other countries. Nevertheless, due to the pressure of anti-fascist organisations and protests in several countries (Russia, Ukraine, Belgium, etc.), as of 2011 these activities are of closed type, but journalists are allowed to attend. This was no exception in 2012 either.

Also on December 10, 2012 a group of people who call themselves nationalists held a rally against the signing of the Estonian-Russian border treaty in front of the Ministry of Foreign Affairs.

According to the protesters signing the border treaty is a concealed abdication of the country from the conditions of the Tartu Peace Treaty, which was signed in 1920. “For Estonia, signing the border agreement on terms satisfactory to both countries is occupation. These are the territories of Pechora and Zanarovyë formerly called Ingria. Theoretically, it belongs to Estonia, but occupied by Russia in reality. And that is 5.2% of the territory of our country. It’s absurd!” — Valdo Padar, one of the picketers, had said.⁵⁴

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

Pressured by the anti-fascists Rigiikogu deputies and representatives of the Ministry of Defence did not participate in the rally Sinimäe in 2012, yet the Minister of Defense Urmas Reinsalu sent his regards to those who participated.

- Presence of “football xenophobia” and racism among fans.

No such events were registered in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities	0
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities	–5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies	–5
–	Presence of “football xenophobia” and racism amongst sports fans	0
	Total for section 9	–10

10. Racist attacks, violence and terror

Indicators

- Vandalism of cemeteries, attacks on religious buildings.

On March 15 unknown people desecrated the monument dedicated to the soldiers fallen in World War II, which is set in Tallinn in a military cemetery and is better known as “the Bronze Soldier.”⁵⁵

- Inter-ethnic clashes instigated by xenophobia and radical nationalism.

No such events were registered in 2012.

- Cases of violence, including murder on racial, ethnic and religious grounds.

No such events were registered in 2012.

- Terrorist attacks on the basis of radical nationalism and religious fanaticism.

No such events were registered in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Vandalism in cemeteries, attacks on religious buildings	-5
-	Inter-ethnic clashes instigated by xenophobia and radical nationalism	0
-	Cases of violence, including murder on racial, ethnic and religious grounds	0
-	Cases of hate crimes	0
-	Terrorist attacks on the basis of radical nationalism and religious fanaticism	0
	Total for section 10	-5

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

The Estonian anti-fascist community includes the “Night Watch” organisation, the Antifascist Arnold Meri Committee, Estonian Union of Non-Citizens, the NGO “People’s equality” and “Together,” a number of youth and veteran organisations. All of them entered the International Human Rights Movement “World without Nazism” in 2010, which operates in Estonia through its subsidiary — “Estonia without Nazism” (headed by Andrey Zarenkov). In 2012, a non-profit organisation “Russian School” participated in anti-fascist activity more due to the anti-Russian school reform.

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

A number of media appearances and public actions of local anti-fascists was recorded in 2012. The most active participation was done by “Estonia Without Nazism.”

On January 17th leader of the “Estonia Without Nazism” movement Andrey Zarenkov harshly criticised a draft law on the rehabilitation of Nazi collaborators. “What did the ideological inspirers of the law forthcoming within the Estonian political elite count on? Elections are a bit far away. The sense of their impunity is so overwhelming that they dare ask the world and Europe to glorify the supporters of the Nazis! After all, just because this issue is upside down in Estonia, it does not mean that the world has forgotten about the atrocities of the Nazis,” — he wrote.⁵⁶

On February 25 A.Zarenkov said that the decision on the recognition of collaborators as freedom fighters and the agreement between their union and the Reform Party are links in the same chain that rehabilitate fascism in Estonia. “This new system arises when honouring the winners — the heroes, and the people who remember the atrocities the Nazis and the decisions of the Nuremberg Tribunal become the victims,” — Zarenkov said.⁵⁷

On April 13 while commenting on the annual presentation of the security police in 2011 A. Zarenkov stated that the list of enemies of Estonia started to grow like mushrooms after the rain, all those who are of an opinion other than KaPo are put into the list. “The sad songs of the Estonian main security department could have been predicted exactly up to a point: Russia is the strategic enemy, local Russians, their language, school and civil groups are the enemy tactical. The Estonian policy on integration of foreigners came to such a deadlock that even

the most optimistic people do not see the way out of it. And what else would happen if the current government of Estonia has been unable to establish a constructive dialogue with Russia, the nearest neighbour? Thus it comes to a unilateral communication with the neighbours via various preambles, and also via the annual summits formed not on the basis of common sense but rather on the narrow mindset of the Estonian political establishment,” he said.⁵⁸

On May 31, 2012 a joint meeting of the permanent members of the Round Table of civil society, the Estonian branch of the International Human Rights Movement “World Without Nazism,” and the members of the Board of Russian Schools took place in the conference hall of the Estonian National Library in Tallinn. Andrew Zarenkov, the head of the organisation “Estonia Without Nazism” addressed the participants with a presentation. He spoke about potential actions that are to be taken by the anti-fascists this year to counter rampant young Nazi supporters who would traditionally gather on the last Sunday of July in Estonia.⁵⁹

Maksim Reva, an Estonian activist of the anti-fascist “Night Watch” organisation, stated on March 25, 2012 that the events held in memory of the victims of deportation on this day in Estonia are an example of blasphemous and cynical Estonian propaganda. “The candles are lit in memory of the people who have passed. About 2,700 out of the 22 thousand residents of Estonia deported in 1949, died in Siberia, more than half of them were aged 60 and onwards. The rest returned to Estonia, many of whom made a good career in the Soviet era. Yet 22,000 candles are lit, even for those who still live and prosper,” he said.⁶⁰

On April 26 of the same year the anti-fascist organisation “Night Watch” held a picket dedicated to the fifth anniversary of the so-called “Bronze events” near the Freedom Clock on the Kaarli boulevard in Tallinn when the monument dedicated to the fallen in World War II was barbarically moved. Then the protesters headed to Tonismagi and then onto Tatari street, the place of death of Dmitry Ganin, a citizen of the Russian Federation.⁶¹

On September 7 “Estonia Without Nazism” strongly protested against the blasphemous advertising GasTerm and a “joke” of the Eesti Ekspress including the topics of the Holocaust and the Nazi concentration camps (see details below). “We demand an immediate international investigation of all cases of incitement of ethnic hatred in Estonia, one of the EU countries,” the organisation stated. “Blasphemous mockery of the memory of the millions of victims of fascism in Estonia is portrayed as a specific Estonian type of humour. What is to be expected next, if none of the authoritative international European organisations do not want to notice the “Estonian jokes”? Then why has the UN formed numerous structures for the protection of human rights? Why the need for the international court in Strasbourg, if it cannot protect

the feelings of millions offended? Have the same universal values changed so much?” — it was noted in the paper.⁶²

On March 7–9 the teachers of Russian schools went on strike in Tallinn which was supported by many other unions. During a rally at the Liberty Square (Vabaduseväkjak) the banners were in both the Estonian and Russian languages.

Interestingly, Jurgen Liigi, the Minister of Finance, stated the demands of the teachers exactly in Russian sounded specifically scary. “As the aftermath of the strike Estonia had to face the increase in fear, which the country had hoped to have overcome over a decade ago. Red flags, change the government demanded in a foreign language, threats to cut off the power supply, appeals against the Estonian language and the state — this says that playing with fire has failed... Something similar happened in 2007, when, unfortunately, the demands of the government resignation were in the Estonian language, on the basis of the most active riots, but in Russian they are definitely the most frightening” — the Minister has said.⁶³

- Presence of anti-racist and anti-fascist civic initiatives.

On March 15, 2012 “Estonia Without Nazism” issued a statement about the inadmissibility of the indifferent attitude of the authorities towards the desecration of “the Bronze Soldier.” “We cannot allow a deteriorating socio-economic situation would now be accompanied by community hatred and the strengthening of neo-Nazi sentiment in the Estonian society... We demand the immediate that the information about the investigation desecration at a military cemetery in Tallinn is to be provided in the media,” — it was stated.⁶⁴

On July 30 of the same year “Estonia Without Nazism” and “Night Watch” published a joint statement: “It became apparent that our authorities cannot be trusted with the spreading of the neo-Nazi sentiments. The desire to hold a dialogue and attempts to find other approaches are interpreted as weakness of the anti-fascist organisations and are portrayed almost as a victory in the official attitude of the glorification of SS veterans. We firmly assert — we will not strive for dialogue with the Nazis any longer.”⁶⁵

A number of actions has been associated with the protection of the right to education in Russian. On May 9, 2012 a tent was put up at the military cemetery in Tallinn where signatures in support of education in Russian were collected.⁶⁶

On May 30 rallies were held in Tallinn and Narva in support of the constitutional right to choose the language of instruction. The Tallinn rally attracted about 1,000 people. Boards of Trustees of a few schools in the capital made an appeal due to the transition to the Estonian language. The appeal stated that they supported and appreciated the

knowledge of the Estonian language, its study and instruction, but they could not accept the fact that it is carried out in schools at the other subjects' cost. "We appeal to the Government of the Republic of Estonia with a request to accept the petition of the schools' boards of trustees on the preservation of the Russian language in the upper secondary school level as the main language of instruction" — the document stated.⁶⁷

On September 9, the head of the Jewish community in Estonia Alla Jakobson's condemning statements on the anti-Semitic "jokes" of the Eesti Ekspress went public. "We hope that the Estonian authorities will take effective measures to deal with the authors of this "advertising" and to prevent "making fun" of the memory of the victims of "the brown plague" in the future," — Alla said.⁶⁸

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-racist and anti-Nazi movements and parties	5
×	Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations)	5
×	Presence of anti-racist and anti-fascist civic initiatives	5
	Total for section 11	15

12. Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial

Indicators

- Glorification of German National Socialism and/or its collaborators in the media; desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

The highlighted characteristics of the glorification of Nazism in Estonia are the annual meetings of Waffen SS veterans from around the world in Sinimäe, publication and wide distribution of calendars, notebooks, as well as playing cards with images of the Nazi occupation, glorifying the SS and prompting to join the fight against the armies of the anti-Hitler coalition, as well as the publication and re-

publication of Nazi literature, including that dated back to the occupation.

All of this is aimed at developing various ideas among the Estonian population, among the younger generation, especially. The ideas include the perception of the SS legionaries as heroes “defending their homeland against Bolshevism.” Another purpose is to maintain tense relations with Russia, as well as to split the Estonian society into ethnic groups, due to almost every Russian speaking family having someone who fought and died in the struggle against Nazi Germany, and almost every Estonian family has someone who fought in the Waffen SS.

On January 17, 2012 a journalist Argo Eden tried to introduce the former SS men as people “who held the restoration of Estonia in their hearts” in an article in the biggest Estonian newspaper Postimees. He had assured that the scandal surrounding the attempts of glorification of the Waffen SS veterans was just an excuse to draw Estonia into the next information war.⁶⁹

Ago Pajur, an Associate Professor of History in the University of Tartu, interpreted Estonia’s liberation from fascism by the Soviet army in 1944 as a “replacemement of the Nazi occupation by the Communist one” in his comment published February 2, 2012 on a popular portal rus.delfi.ee. Therefore, according to him the use of the word “liberation” would be totally unacceptable, as well as it also being unacceptable that the Wehrmacht had freed Estonia in 1941.⁷⁰ Basically this is the main point of the ideology of the Estonian nationalists.

- Glorification of German National Socialism and/or its collaborators with the support of local authorities; demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to soldiers of Wehrmacht and Nazi butchers.

On February 11, 2012 a conference was held in honour of the centenary celebration of Harald Riipalu, an SS Obersturmbannfuehrer, in Kuremaa town in Jogeva district. Yuri Morozov, the head of municipal organisation of Kuremaa, welcomed the participants of the conference.

On November 10 it became known that Heino Kerde, a former member of the 20th Estonian Waffen SS division, is a board member of the regional unit of the “Pro Patria Union and Res Publica” party.⁷¹

- Glorification of German National Socialism and/or its collaborators in decisions made by the government.

A deliberate government policy glorification of Nazi collaborators has been implemented in Estonia. It is known that the Ministry of Defence of Estonia previously allocated money for SS veterans’ organisa-

tions and awarded state awards to the members of the Estonian Waffen SS legion.

There is a Freedom Fighters Association that unites veterans of the Estonian SS division, as well as there is a union of Former Forest Brothers (headed by Arnold Ojaste) uniting the anti-Soviet rebels, many of whom were police officers at the service of the Nazis. Major Estonian parties do not hesitate to contact with these organisations, nor do the members of the government. Thus on February 22, 2012 the Reform Party signed an agreement with the Freedom Fighters Association, in which the party committed to contribute to the creation of the monument dedicated to the “officers of the Republic of Estonia murdered and fallen due to the repression,” to create a fund to support the Freedom Fighters of Estonia, to find funds to ensure completion of the restoration work in the church dedicated to the memory the Estonian soldiers.⁷²

On February 14, 2012 the Riigikogu unanimously issued a statement thanking the citizens who contributed to the construction of the Estonian republic or the actual restoration of independence exactly “during the Soviet and the National Socialist German occupation.” In fact, it was about the exaltation of Nazi collaborators (even the Waffen SS veterans, because they also fought for the restoration of Estonian statehood, according to the trending concept in Estonia) to the status of fighters for the independence of Estonia.⁷³

On July 14 the 20th meeting of the Estonian Freedom Fighters Association took place in Kuressaare, which was visited by the Minister of Defense and the leader of the “Pro Patria Union (Isamaaliit) and Res Publica” Urmas Reinsalu. He said that “the fighters had saved the honour of the Estonian people.”⁷⁴ While during an interview with the BNS (Baltic News Service) the minister demagogically said that his participation was an act of acknowledgements to the people who had fought for the restoration of the Republic of Estonia against the Soviet or German occupation authorities. He said that the recognition of the resistance fighters would elevate the lives given on order to restore the Republic of Estonia life.⁷⁵ The minister, however, did not mention any period of time when the Estonian soldiers had fought against the Nazi occupation.

On July 26, 2012 the Ministry of Foreign Affairs of Estonia issued a statement in response to the criticism from the Russian Embassy on the gatherings of the veterans of the 20th SS Division that occurs annually in Sinimäe. The statement expressed regret over the “malicious and inappropriate” comments. “The commemorative event on July 28 is a civil initiative on remembrance of those killed in the World War II, the likes of which are held in many other countries. In Estonia all people have the right to commemorate those killed in the war” — the repre-

sentatives of the Ministry wrote. They, however, “forgot” that such events of the SS veterans are not exactly welcome in most countries of the world. They also claimed that the Estonian SS men supposedly were not associated with the Nazi ideology.⁷⁶

On July 28 Mauri Kiudsoo, the chairman of the Union of the Veterans of the 20th SS Division, said that the battle for Sinimäe prevented the conquest of Finland and let many Estonians flee west away from the Stalinist terror. An older SS man complained about the lack of understanding on the part of Western Europe, which, you see, “did not experience all the horrors of communism.” He also demagogically said that Estonians had joined the police battalions in 1941 in order to “save their relatives from being deported to Siberia.”⁷⁷

In order to sugar coat the image of the collaborators the Estonian politicians willingly resorted to equalisation the Third Reich and the Soviet Union to create the impression of the stalemate situation of the collaborators who allegedly tried to restore only the independence of Estonia. Both the decision of the Riigikogu and statements of U.Reinsalu issued to the BNS agency accompanied the ritual curses directed at both the Soviet and Nazi regimes while not mentioning the fact that the Nazis lit the ovens of Auschwitz and the Soviet soldiers put them out. And even when on January 27, 2012 the Estonian Prime Minister Andrus Ansip said that Estonia would not give any titles to the freedom fighters during the opening of the Gallery commemorating the Holocaust victims in the Centre of the Jewish Community of Estonia, it was not without equalising of the USSR and Nazi Germany when talking about “crimes committed by the totalitarian regimes.”⁷⁸

However, it should be noted that the postal service of Estonia rejected the proposal club friends of the Estonian Legion to issue a stamp depicting H. Riipalu, the collaborator, explaining it by the fact that H. Riipalu had served in the SS Legion.⁷⁹

- Historical revisionism, Holocaust denial.

Revision of history is one of the main policies of the nationalist parties and the government. The official interpretation of history of the 20th century is based primarily on the notion of the “Soviet occupation,” therefore jumping to conclusions on heroism of the soldiers of the Waffen SS, as well as auxiliary police units who fought on the side of Nazi Germany and participated in the Holocaust.

Attempts to silence the Holocaust and even justify those who participated in it were recorded by monitoring in 2012. Thus in late February Tartu based publishing house ELMATAR reissued the book “Eesti rahva kannatuse aasta” originally released by the “General District Municipality of Estland Reich Commission of Ostland” in 1943. The digest,

modeled on Goebbels’ propaganda, particularly featured Semitic and racist motives: specifically it was argued that those who committed criminal acts against the citizens of Estonia in the period from 1939 until the outbreak of war happened to be those who mainly spoke Estonian “with strong Jewish or Russian accent,” and that it was the Jews who had made up most of the operatives who sophisticatedly tortured Estonians in the NKVD prisons.⁸⁰

On August 25, 2012 the local gas and heating company GasTerm decided to remind about the Auschwitz ovens as means of advertisement. The webpage of the company featured a photo of the concentration camp gates which had the notorious inscription “Arbeit macht frei” (“Work makes you free”). The ad itself read: “Gas heating is universal, convenient and efficient.”⁸¹

On September 5 of the same year, the newspaper Eesti Ekspress (Estonian Express) published a photograph on its funnies page that depicted prisoners of Buchenwald and had a provocative caption in German and Estonian: “Ain, zwei, drei... Dr. Mengele’s diet pills will perform a miracle on you. Not a single fat person could be found in Buchenwald!”⁸² Yet, after the scandal had gone international (Efraim Zuroff, the famous “Nazi hunter” spoke very harshly about the “joke”), the administration of the newspaper apologised, explaining that they only wanted to make fun of the GasTerm advertisement.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition	-5
×	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers	-5
×	Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities	-5
×	Historical revisionism, Holocaust denial	-5
	Total for section 12	-20

13. Persecution of veterans and partisans of the anti-Hitler coalition and anti-fascists

Indicators

- Public calls for repressions against, veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.

No such facts were observed in 2012.

- Restrictions imposed by the authorities on human rights and antifascist organisations. Bans to entry or exit imposed on antifascists. Authorities' inaction.

The Estonian authorities tried to prevent anti-fascist public events during the rally of the Waffen SS veterans in Sinimäe on July 28, 2012.

In addition, on July 25, 2012 as part of “a preventative conversation” the members of the security police tried to force A.Zarenkov not to hold an event in Sinimäe. Other activists of the anti-fascist organisations were hinted at about possible trouble in the business.

As a result of these threats, the “Night Watch” organisation issued a statement on July 26, about their refusal to participate in the protests Sinimäe. A.Zarenkov, M.Reva, S.Chaulin, D.Klensky, who had arrived in person, were not allowed into the territory where the rally was held, under the pretext that it was a private area.

Petri Krohn, one of the founders of the Finnish Anti-Fascist Committee, was not let in Estonia.⁸³

It must also be mentioned that a 10-year ban on entry into the country for foreign anti-fascists, primarily from the Baltic countries and Finland, is active as of 2007.

- Criminal persecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

Estonia is one of the few countries in the region in which the trials of the war veterans are conducted under the pretext of their participation in the deportation of Estonians. In order to facilitate such prosecutions the Penal Code of Estonia considers the deportation and expulsion of civilians for crimes against humanity (Article 89), and also includes it (along with the “forced service in the armed forces of an enemy state or participation in the military operations” — i.e. service in the Soviet Army) into the Article 97 “Violation of life and physical integrity of persons belonging to the civilian population.”

On October 9, 2012 the court of the Estonian town of Kuressaare terminated criminal case lasting for 10 years against the former detective Stepan Nikeev accused of involvement in the deportation of Esto-

nians in 1949. The reason for the termination was the poor health of the 88-year old defendant.⁸⁴

As for the contemporary anti-fascists, as noted above, a criminal case against Oleg Besedin and Alisa Blintsova, the activists of the non-profit “Russian School” organisation, was filed for an unsubstantiated reason in 2012. Anti-fascists who were trying to use the legal right to transfer tuition in one of the Russian schools in Tallinn into the native language were accused of... forgery of their own signatures.

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists	0
×	Restrictions on human rights and anti-fascist organisations imposed by the authorities, bans to entry or exit imposed on anti-fascists by the authorities, inaction of the authorities	–5
×	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists	–5
	Total for section 13	–10

14. International aspect

Indicators

- Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities.

Estonia acceded to the major international conventions in this field, including the International Convention on the Elimination of All Forms of Racial Discrimination (1991), the Convention on the Elimination of All Forms of Discrimination against Women (1991) (Optional Protocol to the Convention has not been signed), and the Framework Convention for the Protection of National Minorities (1997).

At the same time Estonia ratified the Framework Convention for the Protection of National Minorities with the proviso, according to which national minorities are exclusively persons with the Estonian citizenship. Thus, about 100,000 people were not protected by the document. For example, on grounds of this the relevant authorities refuse to accept an application for giving a special status to the Russian lan-

guage, even in places of dense residence of the Russian speaking minority. The fact that the majority of residents in these areas is non-citizens. For the same reason it is prohibited to file any of the petitions addressed to the authorities in Russian in the municipalities.

Estonia has not acceded to the European Charter for Regional or Minority Languages (under the pretext of “recent” development of language minorities) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

- Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period.

On December 20, 2012 Estonia abstained from voting on the resolution A/RES/67/154 “Glorification of Nazism: the inadmissibility of certain practices that contribute to fueling contemporary forms of racism, racial discrimination, xenophobia and related intolerance” proposed by Russia during the UN General Assembly.

- International statements and initiatives against discrimination, neo-Nazism and xenophobia made by the monitored countries and their leading politicians.

There were no international statements or initiatives of the authorities or known Estonian politicians speaking against discrimination, xenophobia and neo-Nazism in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities	5
–	Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period	0
–	International declarations and initiatives of the monitored countries and the leading politicians against discrimination, neo-Nazism and xenophobia	0
	Total for section 14	5

CONCLUSION

Consequences for the development of the country and society, based on the analysis of factors and the following aspects:

1. Human rights

- *Guarantees against any form of minority discrimination.*

Articles 9 and 12 of the Estonian Constitution that guarantee the rights of minorities, articles 151 and 152 of the Penal Code of Estonia, the Equal Treatment Act, the Employment Contracts Act and a number of other provisions of anti-racism and anti-discrimination legislation are all in conflict with the Law on Citizenship, Language Law and the Law on Public Service; and the refusal to sign the European Charter for Regional or Minority Languages creates the conditions for discrimination of the Russian language in areas of residence of the non-Estonians. Refusal to ratify the Framework Convention for the Protection of National Minorities actually takes 100,000 non-citizens resident in Estonia outside the scope of this document and negates its value for the same areas of compact settlement of the non-Estonian population.

Thus, ethnic minorities in Estonia do not enjoy the rights and freedoms guaranteed to them by the fundamental international agreements.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.)*

Estonia does not comply with the fundamental provisions of the Framework Convention for the Protection of National Minorities, which together with the contradictions in the Estonian anti-discrimination legislation, creates the conditions for discrimination. Estonia's failure to accede to the European Charter for Regional or Minority Languages promotes the process of assimilation gaining momentum and supported by the authorities of the country.

- *Differences between the rights and freedoms of the titular nation and ethnic minorities.*

Such discrimination exists and concerns, above all, the right of national minorities to use their native language that is provided by the requirements of the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Lan-

guages, i.e. those international agreements to which Estonia has not acceded or it has ratified with reservations.

- *Legislation enshrining inequality of minorities.*

Inequality of the minorities is primarily embodied in the following Estonian laws:

— The law “on Citizenship,” which creates prerequisites for the formation of the category of “non-citizens” and defines the priorities of the naturalisation process;

— The law “on Language,” based on which the government issued a list of occupations in the private and public sector requiring a high level of proficiency in Estonian. This almost leads to replacement of non-Estonians from many areas of business and creates a punitive body — a language inspectorate, which controls the use of the state language, including in the public sphere;

— The law “on Public Service,” which allows unequal treatment on the basis of language proficiency;

— The law “on Elementary School and High School” and the law “on Private School” both of which together with the amendments, endanger the existence of minority educational institutions;

— The law “on Vocational Training Institutions” which according to the latest amendments in 2012, provides full transfer of vocational education into the Estonian language.

- *Rulemaking in protection of minorities.*

No such rulemaking was recorded in 2012. On the contrary, The Education Act (see above), adopted amendments, which are aimed at full or partial transfer of tuition into the Estonian language in minority schools, including private schools and vocational schools.

- *Freedom of speech violation.*

Accusations of the Riigikogu members Jana Toom, Mihail Stalnuhin and the vice-mayor of Tallinn Mihhail Kolvart of “forcing” Russian schools to keep Russian as the tuition language were published in the Annual Report of the Estonian Security Police in 2011. In fact they represent an attempt of the special services to interfere with the socio-political process provided not only by the Constitution, but also by the laws on education. KaPo’s attempt to compromise the right of the politicians to clarify and even to campaign for any form of education actually took place, i.e. an attack on freedom of speech.

Freedom of speech violation and the right to freedom of expression violation also happen to be expressed by the pressure exerted at the 2012 onto the anti-fascist movement activists Andrey Zarenkov, Sergey Chaulin and others just before the protest against Nazi activities in Sin-

imäe towards the end of July. The purpose of KaPo in this case was to intimidate the anti-fascists and thus prevent their protests. Petri Krohn, the Finnish anti-fascist, was extradited from Estonia due to the same reason. This was also the aim for banning a number of Finnish, Lithuanian and Estonian anti-fascists from the entry into the country.

- *Legislation and law enforcement practices concerning immigrants.*

Despite a significant level of migrantophobia in the society the subject of migrants is not relevant for Estonia. Due to the high level of unemployment and related problems the country is not attractive to immigrants currently. On the contrary, the country has evolved into the donor of labour migration to other countries in the recent years. At the same time the unwillingness of the authorities of the country to accept refugees and migrants is still relevant. The small number of refugees received speaks for themselves.

2. State of the society

- *Risk of violation or non-compliance with the acting laws aimed at protecting the rights of minorities; risk of discriminatory practices against minorities.*

Estonia has a discriminatory legislation which implies daily discriminatory practices against ethnic minorities regarding them using their mother tongue. Furthermore, the presence of the so-called “non-citizens” in the country actually takes a large (almost 100 thousand people) group of people beyond the scope of Estonian anti-discrimination legislation.

Not only anti-Russian, but also anti-Semitic and homophobic appeals were observed in 2012.

Revealed facts of this kind, tough language policy backed by the refusal to accede to the European Charter of Regional languages and the presence of discriminatory laws against minorities lead to a decrease in opportunities for self-realisation of the Estonian residents, to assimilation and further splitting of the society, to “excluding” minorities from the social processes and, ultimately, to the weakening of the state.

- *Identity — how manifestations of xenophobia and extremism affect the identity of minorities, as well as majority’s identification of minorities (growth of social phobias).*

The segregation of the society into the representatives of the titular nation — the Estonians and the Russian speaking people occurred in Estonia in the beginning of the 1990’s, when the country decided to follow the path of restoration of independence and to deprive the who came there after 1940 and their descendants of citizenship.

Today this split reinforced by the discriminatory legislation creates all the conditions for the high level of xenophobia, while the nationalist policies of the ruling establishment and the radical nationalist parties and organisations contribute to it.

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socioeconomic development of the country)

- *Standard of living.*

The standard of living in Estonia is better than that in the other Baltic countries, but when compared to the level of the Scandinavian countries and the other developed countries of the EU, it remains very low. Harsh language requirements, as well as the numerous bans on the occupation choice for non-citizens have basically thrown many professionals who cannot work in their field out of the production process and economic activities, which certainly influenced the level of the economic development of the country and its scientific potential.

This together with the inability of non-citizens to participate in the Estonian privatisation on equal terms, in general, is reflected in the standard of living in Estonia.

- *Economic turmoil and instability.*

The economic problems, as well as the economic instability, are both typical for Estonia. Many of these problems were caused by the hostile policy of the country's leadership toward Russia and Russian speaking residents of Estonia.

- *Decline in production growth, emigration of the labour force.*

The overall difficult economic situation was exacerbated during the financial crisis of 2008, accompanied by the mortgage crisis. The overall decline in production from 2008 to 2012 provoked the departure of many employable citizens of the country, some of whom (Russian speaking) left due to political reasons as well. More than 10,871 people have left Estonia in 2012, which is 43% more than in the previous year.⁸⁵ The total amount of people who have left Estonia since gaining independence is about 100,000 residents.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

Estonian society is split into citizens and non-citizens, which, of course, affects the cohesion of the society. A society where the two com-

munities are developed in isolation from each other (as in Estonia, even unlike in Latvia, it really is so) cannot be promising. For now there is no effect of the disintegration on the political stability. The key to this is the high level of the police control and that of the special services which do not only allege accusations against famous politicians but also put together criminal cases against human rights activists, as well as interfere with the business sponsors of those organisations that are critical of the regime. In addition, the government and the intelligence agencies rely on the high level of nationalism and anti-Russian sentiments in the Estonian society that is of support in this case.

This cannot, however, continue indefinitely. Realisation of it led to the Estonian authorities boosting the assimilation processes in the country in 2012, starting from the education reform, which aims to make the educational institutions of national minorities Estonian.

- *Impact of xenophobia and extremism in the country on the issues of external security, on relations with third countries and the international security in the region as a whole.*

The policy of discrimination against ethnic minorities, the glorification of Nazism and such lead to the deterioration of Estonia's international image, and not only in relations with its nearest neighbour Russia, but also with the other countries. The letter of the Assembly of Deputies of New York, directed in 2011 to Prime Minister Ansip was indicative in this sense. The Assembly criticised the glorification of Nazism in the country.

RECOMMENDATIONS

1. *General recommendations on the accession to international agreements and conventions.*

Estonia should withdraw the reservations to the Framework Convention for the Protection of National Minorities, because those exclude nearly 100,000 members of ethnic minorities from the scope of the convention and therefore negate its importance in the areas of compact settlement of non-Estonians.

Estonia should also accede to the European Charter for Regional or Minority Languages.

Estonia should also support resolution A/RES/67/154 of the UN General Assembly on "Glorification of Nazism: the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance" and other similar resolutions against neo-Nazism considered in the UN every year.

2. *General recommendations for adjustments to the legal framework.*

Estonia should dismantle the discrimination legislation against minorities, by abolishing the discriminatory provisions of the following laws: the Act on Citizenship, the Act on Language, the Act on Public Service, the Act on the Elementary School and High School, the Act on Private School, the Act on Professional School.

While following the path of dismantling the discrimination legislation, Estonia should grant citizenship status to all inhabitants living in this country at the time of its independence as of 1991, as well as their children and grandchildren.

3. *General recommendations for the executive bodies on law enforcement and human rights.*

It should be recognised that in recent years, there has been some progress regarding mitigation measures in terms of activities glorifying Nazism in Estonia, unlike Latvia. For example, in 2012 the government restricted itself only to the one greeting on behalf of the Minister of Defence addressed to the Nazi rally participants in Sinimäe, yet numerous representatives of the government considered it necessary to personally express their appreciation to the audience previously. The event itself is not at the centre of the Estonian capital either, but rather it takes place away from the major settlements. Yet no one should be misled by the “Closed mode” of the action since it is closed only for anti-fascists protesting against the glorification of Nazism.

Regarding this Estonia should stop the practice of holding such events. Estonia, just like Latvia, should accept the provisions of the General Comment 34 of the International Covenant on Civil and Political Rights, which states that “two narrow limitation of rights are allowed” to the freedom of expression “which can apply either to respect of the rights or reputation of other persons, or for the protection of national security or of public order (*ordre public*), or public health or morals.”⁸⁶

It would be quite relevant to monitor the governmental and public implementation of the rights of national minorities regarding their native language. It is needed to shut down or reorganise the Estonian Language Inspectorate, as the structure discriminates Russian speaking residents of the country and interferes with the affairs of business organisations, imposing large fines for lack of knowledge of the state language.

The government should suspend Estonianisation of the minority schools and, at the very least, not hinder parents, boards of trustees, as well as municipalities petitioning to preserve the native language as primary in the tuition process at the educational institutions. This is a basic requirement contained in the recommendations of the international organisations in Estonia, which was piously adhered to even in the Estonian SSR regarding Estonian schools until 1991.

The Ministry of Justice and the law enforcement institutions of Estonia should check the activities of the radical nationalist parties (see Chapter 8, “Estonia” — “Radical nationalist groups and parties”) for compliance of its activities, including public statements by leaders, to the statutes and the legislation.

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⁴¹ http://www.baltic-course.com/rus/_analytics/?doc=57855

⁴² <http://demoscope.ru/weekly/2013/0539/mir01.php#12>, <http://www.inosmi.ru/sngbaltia/20121221/203597209.html>

⁴³ <http://rus.postimees.ee/1047862/centr-po-pravam-cheloveka-jestonija-sposobna-prinimat-bolshe-bezhencev>

⁴⁴ <http://www1.umn.edu/humanrts/russian/asylum/Reston4.2.07.html>

⁴⁵ <http://www.jmk.ee/integratsioon/projekt-nr-khpl12071-tugiisikuteenus-uusimigrantide-loimumiseks-eestis-tule-ru/>

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⁴⁷ <http://rus.delfi.ee/daily/estonia/martin-helme-nochnoj-dozor-napominaet-nam-kto-zhivet-s-nami-bok-o-bok.d?id=64313499>

⁴⁸ <http://www.news.balt.ru/detail/?ID=10875>, <http://www.mid.ru/bdomp/nsdgpch.nsf/03c344d01162d351442579510044415b/c32577ca00173cb244257974003e49c41?OpenDocument>

⁴⁹ <http://stolitsa.ee/news?39477>, <http://www.ohtuleht.ee/491375>

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⁵⁸ <http://baltija.eu/news/read/23935>
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⁷⁵ <http://rus.delfi.ee/daily/estonia/foto-v-sinimyaee-nachalsya-slet-veteranov-vaffen-ss.d?id=64739652#!/14413693/pilt.delfi.ee>
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⁷⁷ <http://rus.postimees.ee/922076/veteranov-20-j-divizii-ss-nikto-ne-ponimaet/>
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SUMMARY OF INDICATORS FOR 2012

No.	INDICATORS	SCORE
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-20
2	Xenophobia and inflammatory statements by members of the authorities and media	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	2.5
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
5	Activities aimed at promoting tolerance and preventing extremism	5
6	Status of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	10
7	Incitement of religious and ethnic hatred	-10
8	Radical nationalist groups and parties	-22.5
9	Extremist and radical nationalist public actions	-10
10	Racist attacks, violence and terror	-5
11	Presence, popularity and size of anti-fascist and anti-racist movements	15
12	Glorification of German National Socialism and collaborators of Nazi Germany	-20
13	Persecution of veterans and partisans of the anti-Hitler coalition	-10
14	International aspects	5
	Total	-60

FINLAND

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

Indicators

- Discriminatory legislation affecting minorities residing in Finland in the fields of registration, movement, business, employment, education, housing, healthcare, worship etc.

Technically, there are no laws that regulate discrimination against minorities in Finland. On the other hand, social services in Finland have provisions that accuse Russian women of having a disposition for violence against children.¹

It could be said that Finnish legislation is of a discriminatory nature when concerning the so called “non-official churches.” These include all religious organisations apart from the Evangelical-Lutheran Church and the Orthodox Church. The non-official churches include; the Jehovah’s Witnesses; the Free Church of Finland; the Catholic Church of Finland; the Seventh-day Adventist Church; the Mormon Church, and the Pentecostal movement.

Non-official churches do not receive any proceeds from the special church tax (1–2.25% of income). This kind of tax is collected voluntarily from citizens when joining. However, it should be noted that in 2012 more than 20,000 people withdrew from the church, and thus were not legally bound to pay the tax. Around 4% of these people opted out of paying the tax.²

- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

No such legislation exists in Finland.

- Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.

No such legislation exists in Finland.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health-care, worship, etc.

In December, A. Zavgorodnyaya, a Russian emigrant, had her children taken away from him by social services and as a result of this created a seething tension began to spread around the whole issue of foreigners in Finland.

On December 21, police and social services went to Zavgorodnyaya's residency, where she lived with her husband and children, where they evicted the woman. The grounds for this eviction was her unwillingness to cooperate with the social services.

On December 26, social services made a decision to relocate A. Zavgorodnyaya's children to a different social service centre due to their father, I. A. Zaki Ahmet, being offered a new employment prospect. On December 27, he became employed on a full-time basis and thus could not be with the children for the set required amount of time. As a result, the children were translocated to a closed orphanage, the location of which is not made publicly disclosed.³

During a press-conference on December 10 A. Leikonniemi, who is the leader of the so called "Oktyabrsky Movement" (October movement) who tackle issues regarding social service's involvement in taking children away from their parents: stated that social services do not actually account for immigrants' poor knowledge of Finnish language. "The mere lack of knowledge of Finnish language is not a reason to claim that the Russian mums are bad mothers. Unfortunately, the officials base their claims of bad motherhood only on guesses and speculation" she says.⁴

In June 2012, the Finnish Government issued a regulation restricting the hours which religion can be taught in schools. According to experts, this restriction would mainly impact upon religious teachings of the Orthodox minority since the amount of time already devoted to Orthodox religion lessons is already minimal.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Discriminatory legislation affecting minorities residing in Finland in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5
-	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin	0
-	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication	0
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5
	Total for section 1	-10

2. Xenophobia and inflammatory statements by members of the authorities and in the media

The Finns Party (previously known as True Finns) appeared in the news frequently concerning the issue of xenophobia and controversial statements. On February 19, Tommi Rautio, a member of Koylio city council, audaciously condoned the murder of a migrant worker of a pizza parlour in the city of Oulu on Facebook. He further stated that he would like to award a medal to the murderer: “There is a war going on, and medals are given out in the time of war” he posted.⁵

In April 2012, Helena Eronen, the assistant of J. Hirvisaari, one of the The Finns party members, wrote a blog entry in which she suggested that foreigners should wear identifying symbols on their sleeves. In fact, she even devised symbols for different nationalities to have embroidered on their clothes: a moon crescent for Muslims, hammer and sickle for Russians, a hamburger for the USA citizens.⁶ Eventually, however she was forced to resign, despite J. Hirvisaari’s attempts to defend her actions.⁷

Towards the end of September, Amon Rautiainen, one of The Finns Party candidates for Kotka city council, posted on Facebook that they should “boil the Muslims alive.” He further commented that it would be a “patriotic act” to remove the Prime Minister of Finland Jurki Katainen and the Minister of Finance Jutta Urpilainen. Amon Rautiainen later stated that his claims were written due to “a fit of rage.”⁸

The leaders of The Finn Party, however, respond to racism by merely imposing minimal penalties. For example, J. Halla-Aho, received no additional sanctions other than a fine for his xenophobic Facebook posts. Another party member, T. Rautio, was ousted from the party, yet it was claimed that the reasons for his expulsion were not related to racism.

However, xenophobia is not isolated to The Finn Party as it is recorded that members of other parties have also expressed xenophobia. On November 6, Saul Schuback, senior vice-president of a youth organisation affiliated with the National Coalition Party, stated that the Finnish government should abolish child benefits. The justification for this statement was that according to Schuback it is illogical to support the interbreeding of the weak and “be surprised that alcoholic parents have children that are addicted to drugs,” thus supporting social Darwinism.⁹

On December 2 during a broadcast on the YLE TV channel, Pertti Salolainen, a 72 year old member of National Coalition Party who is also the chairman of the parliamentary Foreign Affairs Committee, said that: “There is a vast Jewish community in the USA which controls the finances and the mass media. Certain domestic policy reasons stop the USA from holding the appropriate stance in terms of the problems in the Middle East. This is the sad truth about the politics in the USA.” Consequently, Salolainen “explained” the position of the US in relation to establishing the status of Palestinian autonomy. He refused to apologise, stating that any criticisms condemning him are unfounded as he believes he “had just performed a pure analysis of the foreign affairs” of the country.

It is also important to mention the statement of Erkki Tuomioja, the minister of Foreign Affairs, made in October. He claimed that Johan Beckman is an enemy of his own country. Johan Beckman happens to be one of the leaders of Finnish anti-fascist movements and a general committee member of an international human rights organization: a”World Without Nazism.”¹⁰

On July 23 during a lesson, a junior officer of the Kainuu Brigade (the defense forces of Finland) claimed that “homosexuality is a disease, which can be cured by corporal punishment.”¹¹

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Xenophobia and inflammatory statements of the authorities and the media	-5
	Total for section 2	-5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist, anti-extremist legislation, and legislation directed against incitement of ethnic and religious hatred in the country.

According to Section 6 of the Constitution, everyone is viewed as equal before the law, yet discrimination on the grounds of race and the ethnic origin of a person is not automatically said to be forbidden. The Constitution stipulates that “No one shall, without an acceptable reason, be treated differently from other persons on the ground of sex, age, origin, language, religion, conviction, opinion, health, disability or other reason that concerns his or her person.”

The legal aspects concerning measures taken against racism and interethnic hatred are found in Sections 10–10a of Chapter 11 of Criminal Code of Finland. Section 13 of Chapter 13 of the Criminal Code is dedicated to penalties for hate speech. Sections 24–25 of Chapter 19 of the Criminal Code are dedicated to measures against hate crimes. Measures against crimes on the grounds of religion are discussed in Section 10 of Chapter 22.¹²

- Presence and improvement of anti-discriminatory legislation.

The Finnish Constitution states in section 11 that “everyone has the freedom of religion and conscience. Freedom of religion and conscience entails a right to profess and practice a religion, the right to express one’s convictions and the right to be a member of or decline to be a member of a religious community. No one is under the obligation, against his or her conscience, to participate in the practice of a religion.”

Section 17 deals with bilingualism (Finnish and Swedish are the two national languages) and the right to maintain and develop one’s own language and culture of groups such as the Sami and the Roma

people. Section 75 further supports the autonomy of the Swedish speaking Aland Islands.¹³

The most predominant legislation in Finland relating to equality is the Non-Discrimination Act passed in 2004. Section 1 of this Act states its aim is “to foster and safeguard the equality and enhance the protection provided by law to those who have been discriminated against in cases of discrimination.” This section deals with such areas as employment, social and healthcare services, military service.

Section 6 of the Discrimination Act states that “nobody may be discriminated against on the basis of age, ethnic or national origin, nationality, language, religion, belief, opinion, health, disability, sexual orientation or other personal characteristics.”¹⁴

Section 11 of Chapter 11 of the Criminal Code of Finland is also dedicated to combating discrimination. The main responsibility lies with the official figure of the workplace wherein the discrimination took place.¹⁵ Section 3 of Chapter 47 of the Criminal Code discusses measures against employment discrimination.

In 2012 it was declared that a new version of Aland Islands autonomy legislation was in the process of being drafted. This new legislation will aim to afford Swedish minority residents a wider degree of autonomy.

- Compliance of the authorities (central regional, municipal), the law enforcement and judiciary, with anti-Nazi, anti-racist and anti-extremist legislation. Compliance with anti-discriminatory legislation and legislation directed against the incitement of ethnic and religious hatred.

Generally speaking, Finland adheres to anti-racist and anti-discrimination legislation. The responsibility to uphold such an approach rests with the executive branch of the government.

Section 4 of the Non-Discrimination Act states that “the authorities shall seek purposefully and methodically to foster equality and consolidate administrative and operational practices that will ensure the fostering of equality in preparatory work and decision-making.” The Ministry of the Interior manages all work related to fostering equality and combating xenophobia. The Ombudsman is the figurehead whose main responsibility is to foster, improve and to promote the status and the rights of minorities. To add to that, the Ombudsman has an additional function of cooperating with other governmental institutions in order to secure the equality for people of any ethnic origin. The Ombudsman can be contacted personally if a person has personally experienced ethnic discrimination or has witnessed it.¹⁶

The Ombudsman for Minorities controls and promotes the enforcement of the rights and improvement of ethnic minorities’ and foreign-

ers' status in society. Regular meetings are organised between the Ombudsman and various alliances representing respective ethnic minorities.¹⁷

A distinctive characteristic of the Aland Islands is that Swedish is the only official language. The Islands also have their own citizenship and a parliament independent from the Finnish parliament. The autonomous legislation encapsulates education, historic preservation, healthcare and its maintaining, environment protection, internal public transportation, municipal government, postal service, radio and telecommunications.

The responsibility for the issues relating to equality lies with the Ombudsman. He thus possesses power to help the individuals who have been stricken by court procedures when concerning compensation for damage or damage recovery. Yet in order for such cases to gain momentum there must be convincing grounds considered from the point of view of Non-Discrimination Act.

The Equality Ombudsman is authorised to inspect workplaces in case there is a reason to suspect any equality related misdemeanours. Other governing institutions must cooperate in terms of allowing an inspection if the necessity arises.¹⁸

Occupational safety and health representatives are involved in any investigation concerning employment discrimination.

According to Sections 13 and 14 of the Non-Discrimination Act there exists a Discrimination Board within the Ministry of the Interior of Finland. The Board hears cases on discrimination and has the authority to settle disputes as they see fit: this can be in the form of issuing an order of re-employment and enforcing recovery of damages or setting a court fine. The statute of limitations for this type of cases is two years.¹⁹

Another department of the Ministry of the Interior is the Advisory Board for Ethnic Relations (Fin. ETNO). Its role includes resolving issues concerning refugees, migrants, racism and inter-ethnic relations.²⁰

Discrimination within the education system is combated by the employees and overseers of the schools themselves.²¹

There is, however, a gross breach of the Constitution when referring to issues concerning juvenile justice. Section 6 of the Constitution provides that children "shall be allowed to influence matters pertaining to themselves to a degree corresponding to their level of development." However, this notion is often dismissed.

- Responses to hate crimes (criminal proceedings against organisers and participants, convictions).

During the observation period, the prevention of hate crimes is generally enforced. On June 14 Jussi Halla-Aho, a member of The

Finns Party, received a court-ordered fine from The Supreme Court of Finland for an entry he had published in his blog in 2008, wherein he compared Islam and paedophilia. He was also fined for insinuating that the number Somalian citizen, who happen to the largest migrant group in Finland, is responsible for the rapid increase in theft rates. Consequently on June 15 he was forced to resign due to the offensive remarks he made towards Muslims and immigrant in general.²²

On June 19, the Supreme Court of Finland denied James Hirvisaari's appeal regarding Kouvola Court decision. In end of the previous year, the member of The Finns Party was fined for hate speech in his blog.²³

It was announced on September 11 that the junior officer of the Kainuu Brigade suffered severe reprimands for his remarks about homosexuals.²⁴

On December 12, Tommi Rautio, ex-representative of The Finns Party in the Koylio city council, was fined for incitement of ethnic hatred and as a result, he was ordered to pay 20 daily penalties worth 120 EUR in total.²⁵

- Unlawful use of anti-extremist legislation.

No such instances took place in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-Nazi, anti-racist and anti-extremism legislation, legislation against incitement ethnic and religious hatred in the country	5
×	Presence of anti-discrimination legislation	5
×	Compliance of the authorities (central regional, municipal), the law enforcement and judiciary, with anti-Nazi, anti-racist and anti-extremist legislation. Compliance with anti-discriminatory legislation and legislation directed against the incitement of ethnic and religious hatred	5
×	Counter-actions against hate crimes (criminal cases against organisers and participants, convictions)	5
–	Unlawful use of anti-Nazi, anti-discrimination and anti-extremist legislation	0
	Total for section 3	20

4. Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

The issue of racism was comprehensively covered during the televised Finnish presidential debates in January. Eva Biaudet, a representative for the Swedish People's Party, and Paavo Arhinmaki, a representative for the Left Alliance, demanded that the Finns Party distance themselves from racism more clearly. Paavo Lipponen, a social democrat, in turn, stated that it was about time to stop the discrimination of the minorities and democracy. Paavo Arhinmaki expressed his regret over the hardening attitude of society towards the immigrants in the past two or three years. Sauli Niinisto, the National Coalition party candidate, emphasised the importance of reputable and dignified behaviour of other members of the parliament.²⁶

Paavo Arhinmaki, the Minister for Culture and Sport and a member of the Left Alliance, attended Pride Week, an event promoting equality and protection of rights of LGBT minorities. During his opening speech at the Pride week Arhinmaki raised the issue of how LGBT minorities are treated vindictively in sports. He continued by stating that while the attitude towards LGBT is of a decent standard, when relating to sports there is much to be desired, and thus Arhinmaki appealed to the sports organisations to end discrimination.²⁷

Eva Biaudet, the Finnish Ombudsman for Minorities, made an appearance at the Yle Radio Suomi Ykkösaamu radio broadcast in December after the journalist Umayya Abu-Hanna published her article. Biaudet claimed that racist statements are a marker of insecurity. She added that racism violated the basic principles of Finnish society and racist statements tend to have an effect not only on individuals but also on whole groups of people. Biaudet emphasised that racism and degrading attitude would never be admissible. She considers hate speech to be a serious issue in all societies.²⁸

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
	Total for section 4	5

5. Activities aimed at promoting tolerance and preventing extremism

A nationwide action programme combating discrimination named “Equality is Priority” (the Yes project). again took place in 2012, this programme has been running since November 2007 in Finland. The Ministry of the Interior, the Ministry of Justice, the Ministry of Employment, the Ministry of Education and Culture, the Ministry of Defense, the Ministry of Social Affairs and Health were all involved in the project along with a range of NGOs. The programme aims include; raising public awareness and capacity development in terms of equal treatment and non-discrimination, as well as fostering the variety of the Finnish society. The project is supported by the European Commission.²⁹

A project called “Good Relations” commenced on November 1 2012. The objective of the programme was to combat racism and xenophobia by promoting good relations between people of different backgrounds. The project also aims to provide a definition of “good relations” where they will formulate a set of relevant indicators, test them and provide information along with the test results at the national and the EU level.

The Ministry of the Interior of Finland is in charge of the project. The participating national partners include the Advisory Board for Ethnic Relations (ETNO) and the Centres for Economic Development, Transport and the Environment for Uusimaa, Pirkanmaa and South-west Finland. On top of that, the project collaborates with the Ministry of Employment and the Economy, the Association of Finnish Local and Regional Authorities; organisations for Sami and Roma people. The international partners involved in the project include the Ministry of Employment of Sweden and the Northern Ireland Council for Ethnic Minorities (NICEM).³⁰

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Activities aimed at promoting tolerance and preventing extremism	5
	Total for section 5	5

6. Status of migrants and society's attitude towards immigrants, foreigners, different ethnic groups

Indicators

- Presence and improvement of anti-discriminatory legislation.

Section 9 of the Finnish Constitution states that Finnish citizens and foreigners who legally reside in Finland have the right to move freely within the country and to choose their place of residence.

The following paragraph is included in the section:

The right of foreigners to enter Finland and to remain in the country is regulated by an Act. A foreigner shall not be deported, extradited or returned to another country, if in consequence he or she is in danger of a death sentence, torture or other treatment violating human dignity.³¹

The conditions under which foreigners may reside in Finland are determined by the following acts: the Finnish Aliens Act 2004; the Nationality Act 2003; Citizen Rights Directive (2004); Minimum Wage for the citizens of Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Slovenia and Slovakia (2004); Act on Foreigners' Register 1997; Act on Integration of Immigrants and Reception of Asylum Seekers (1999); the Dublin Regulation/Dublin Convention; Act on Foreign Institutions (1995); Act on the Ombudsman for Minorities and the National Discrimination Tribunal (2001); Non-Discrimination Act (2004)

In addition, Finland ratified the Convention on the participation of foreigners in public life at a local level in 2001. This consequently granted immigrants who legally resident in Finland for at least five years the right to vote in local elections.

According to the amendments the Nationality Act devised in 2011, the required period of continuous residence in Finland decreased to five years; on top of that half of the time of residency with a temporary residence permit is now included in the total residence period. It is also possible to acquire citizenship after four years of continuous residence if the applicant meets either of the two national languages' skills criteria. The residence permit in Finland will be granted if one of the following grounds: employment, entrepreneurial activity, studies, family (a family member resides in Finland), re-emigration, being of Finnish origin, or international protection (e.g. asylum).

Citizens of Scandinavian countries, the EU, Switzerland and Lichtenstein do not need to apply for a residence permit in Finland.³²

Ingrian Finns are a separate category of immigrants, who mostly reside in Russia. They have the right to move to Finland if they prove their Finnish origin; pass the Finnish language test, and possess accommodation in Finland. However, 2011 was marked by the commencement of a five year transition period, by the end of which the conditions

for Ingrian Finns acquiring residence in Finland will be the same as for everyone else.

The Finnish legal system includes assistance for immigrants willing to return to their country of origin on voluntary basis. The assistance is provided to those who came to the country looking for asylum, and those who received a residence permit due to humanitarian protection. It is also provided to persons who either withdrew their claim for asylum, or those whose application was refused. The assistance package covers travel expenses and financial support needed for reintegration in the country of origin.³³

Sections 7 and 8 of Chapter 17 of the Criminal Code of Finland are dedicated to the illegal movement of person, as well as crossing the border without the required documents. A person found guilty of unwaranted illegal immigration may receive up to a maximum sentence of six years if the crime is aggravated by assault or any other bodily harm.³⁴

- Authorities' compliance with such legislation (law enforcement practice).

In general, the laws are acted upon in Finland.

The process of immigration issues lays with Finnish Immigration Services under the Ministry of the Interior.

The Ombudsman for Minorities also deals with any issues concerning the rights of migrants.³⁵

There is also the Advisory Board for Ethnic Relations (ETNO), which promotes strengthening of interaction and cooperation, as well as providing any expert help needed for the development of various political aspects in terms of immigration.³⁶

According to the National Statistics Service, 31,280 people moved to Finland in 2012. This number had increased by 1,800 in comparison to 2011, and it is higher than in all other recorded years in history of independent Finland.³⁷ A total of more than 200,000 immigrants and one quarter of a million persons of foreign origin had moved to Finland by the end of 2012. About 30,000 Ingrian Finns are resident in Finland at the time of this observation.

A growing trend of citizens from crisis stricken South European countries moving to Finland has been observed in the last decade. Over 900 Spanish, 400 Italian and about 300 Greek citizens moved to Finland by 2012.³⁸

According to the National Statistics Service the number of citizenship acquisition via naturalisation has reached its peak point in 2012. In addition, 94% of those who acquired the citizenship did not renounce their original nationality. A total number of 9,090 people became Finnish citizens in 2012, which surpasses previous years by 4.5 thousand. According to experts this is to do with an increase in immigration.³⁹

It is estimated that there are around 20,000 refugees in Finland. A number of them moved to Finland within the assistance framework of UNHCR dealing with various refugee camps across the world. According to this programme Finland is committed to annually admitting 750 refugees.

- Discriminatory practices against immigrants.

Immigrants have encountered ethnic discrimination during the examination of their documents upon entering the country. As a result, a verdict by the National Discrimination Tribunal was required, which in turn was promulgated on December 19, 2012.⁴⁰

To add to that, further forms of discrimination in Finland are still reported. Minimum work experience gained in other countries of the EU is not accounted for unlike in the other parts of the Union. Immigrants, who wish to receive the unemployment benefit, are required to have worked for at least four weeks as a hired employee or four months as self-employed in Finland. The requirement of a minimum period of employment in Finland, in order to take into account any other previous work experience in the other EU countries, is against the EU law.

The article 45 of the Treaty on the Functioning of the European Union (TFEU) and Regulation (EC) No. 883/2004 require Member States to take into account any previous time periods of social insurance, residence and employment legally acquired in any other Member State as corresponding to own legal regulations.

This regulation happens to be one of the fundamental principles of the EU social security coordination, which the European Convention has brought to the attention of Finland on repeated occasions.

The noted discrimination of Russian mothers and their children is an astonishing subject in terms of immigration issues. A few instances where children were withdrawn from their Russian mothers occurred in 2012. In addition, these incidences were subject to discriminative selection as the guidance used to withdraw the children were that Russian mothers had a disposition to children abuse.

The juvenile justice system itself, however, encompasses a lot of possibilities of abuse and discrimination towards any “suspicious” person.

One of the examples of this occurred in 2012 in the case of Aleksey Semenovich. Semenovich had dual citizenship of both Russia and Finland (his wife and children have Estonian and Finnish nationalities). When his 15-year old daughter went to school she was subject to ethnic discrimination, which then was used as a reason for social services to withdraw her from her family and to placing her in a secret asylum, where her parents were oblivious to her whereabouts.

Record shows that shortly before she was taken from her family, the girl, who had been discriminated against by her classmates, argued

against her history teacher's negative statements about Russia's role in the history of Finland. She said that she was proud of her Russian heritage and planned to move to Saint-Petersburg later on in life.

This particular case was resolved favourably as the girl was able to escape from the asylum, board a ferry on her own and return to Estonia, her birthplace. Her parents followed her there, who then later decided to move to Russia due to the sense of security they had there.⁴¹

Yet, how many incidences of parents actually losing their children forever there are? The most outrageous and well-documented case occurred in 2012 and involved a Russian immigrant Anastasiya Zavgorodnyaya. The social services took her four children (including her newborn) away because her 6-year old daughter Veronika mentioned that "dad had slapped her butt" at school. The official statement concludes that Mari Romppanen, the school teacher, urged social services to take all the children away from the family of Zavgorodnyaya.

Consequently, police took away the 6-year old and two 2-year old twins during a special operation. Anastasiya, who was pregnant at the time was herself arrested. On September 28 her newborn child was also taken away from her.⁴²

A.Zavgorodnyaya reported that Veronika had had a concussion which she had got at school. The mother was interviewed by "Ros-siyskaya Gazeta" ("the Russian Newspaper") and said⁴³:

The boys from the upper grades took her by the arms and pushed her head-first into a wall. She then fell down and threw up. Veronika's teacher was there at the time and witnessed everything. She helped my daughter up and got her to the bathroom, and laid her down on a sofa afterwards.

In order to avoid taking responsibility for the incident the school administration accused the 6-year old girl of lying. The teacher who provided first aid to the daughter of Zavgorodnyaya later chose to retract her testimony. The school administration devised a fictional story wherein the young girl confessed at school to being abused by her family, where the mother is of Russian origin and the father is from Sudan. The report that was conducted by the school implied negative nature of the family, as well as urging social services for the immediate withdrawal of the children for their safety.

In addition to this, the Finnish government does not recognise the incompetence of the juvenile justice system and refused to acknowledge any violation of human rights and abuse of power.

- Use of "ethnic crime" topic in order to discriminate against immigrants.

The idea of ethnic and/or "migrant" crime is frequently used and developed by the Finns Party, which organised their political campaign

upon this subject in 2011 and which has used it in their politics up to now (see section 9).

- Social welfare to immigrants.

The Finnish Constitution guarantees social security for everyone, as well the right to acquire basic education for free. Yet, the Constitution does not give any specifics concerning the citizenship of beneficiaries'.

The Act on the Integration of Immigrants has operated since May 1999. The aim of integration is to provide any given immigrant with knowledge and skills needed to achieve employment and a social life in Finland. It is also important to let foreigners keep their native language and own culture.

Every Finnish municipal community develops a programme on immigrant integration in cooperation with the Employment Office, the social security institution (KELA), as well as any local immigrant organisations and other alliances.

Every immigrant who is resident in Finland for less than three years, being unemployed and registered as a jobseeker and/or having the right to receive financial assistance, is required to develop their own integration agenda in cooperation with the Employment office and the community. The responsibility for the development of the agenda for those of employable age lies with the Employment Office; whereas the elderly persons, stay-at-home mothers, and the youngsters work on their own agenda together with the social security service. The plan can include various types of education, sports practices and work experience. An immigrant must attend the events listed in their own plan. An immigrant has the right to develop their plan for three years in case he/she has not found employment or entered education that would provide any necessary qualification before the three year period is up.

Upon the completion of an integration plan an immigrant has the right to receive financial assistance for adaptation process. In cases where a given immigrant or their family have sufficient income the assistance is not provided, unless it is required during the acquisition of education or work experience. Education can be organised via the Employment Office or equivalent, assuming the education is not classified as a core activity and necessary qualifications are consequently obtained.⁴⁴

A lot of municipalities have various organisations and friendship societies for immigrants. The Finnish Red Cross (Suomen Punainen Risti) strives to help immigrants find people who will assist them with various issues, as well as find them a friendship society.

It is determined to provide immigrants with a status equal with that of a Finnish person in terms of education and access to social benefits related to education. An immigrant between the ages of 7 and 15 is covered by the education legislation in Finland and has the right to the

same basic education as any other Finnish citizen. Another aim is to provide adult immigrants with any needed employment skills: education, enhanced training, revision and update of professional knowledge. On top of that any education and experience acquired abroad can be taken into account. Integration-centred education promotes adaptation to Finnish society.⁴⁵

- Negative attitudes towards immigrants, foreigners and various ethnic groups.

According to the last opinion poll conducted by the largest Finnish newspaper “Helsingin Sanomat” in 2010, society’s attitude towards immigrants has drastically deteriorated. The belief that immigrants only translocated to Finland in order to claim benefits became a very popular notion. Finnish society is also of the view that passing an exclusion act would improve matters.⁴⁶

It could be said that the level of latent xenophobia is significant. The Helsingin Sanomat newspaper published an article by Umayya Abu-Hanna on December 30, in which the journalist criticised manifestations of racism in Finland. Umayya Abu-Hanna spoke of multiple hate speech occasions her little daughter was exposed to due to her dark skin colour.⁴⁷

At the beginning of January 2013, the organisation “Pelastakaa lapset” (“Save the children”) revealed evidence showing the frequency at which hate speeches are directed at the “non-local” children in Finland, within the school settings. Although children do not always repeat their treatment in such incidents, that does not take away the possible damage done to their psyche; for example, some children admit never passing certain streets because they know it is possible they may get exposed to discrimination there.⁴⁸

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence and improvement of immigration laws	5
×	Authorities’ compliance with such legislation (law enforcement practice)	5
×	Discriminatory practices against immigrants	-5
×	Use of the “ethnic crime” theme in order to discriminate against immigrants	-5
×	Social assistance for immigrants	5

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Negative attitude of the society towards immigrants, foreigners, various ethnic groups	-5
	Total for section 6	0

7. Incitement of ethnic and religious hatred

Indicators

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

In April 2012 a controversial statement issued Helena Eronen, the assistant of the Finns Party parliament member J.Hirvisaari, was a focal point for the media. She suggested that all non-Finnish residents should wear distinguishing symbols on their clothing. This idea was originally posted in Eronen's internet blog, yet the ideas became well publicised. Society regarded this as true incitement of inter-ethnic hatred. The consequence of this scandal was that the author of such radical projections was forced to resign.⁴⁹

The Finnish television channel, MTV-3 produced and aired various Russophobic displays directed against the Russians in Finland on many occasions in 2012. In particular the authors focused on Russians purchasing real estate in the Northern Karelia Province. MTV-3 speculated whether the Russian secret service purposefully acquires bases for possible future subversion and spying; another speculative version was whether the mafia was money laundering in Finland. Consequently, after a series of these broadcasts the reported cases of vandalism of houses and flats belonging to Russians escalated in the cities of Lappeenranta, Ruokolahti, Joutseno and Imatra.⁵⁰

It is important to note that the channel's xenophobia is not directed against Russian Federation citizens, but rather against people of a Russian ethnic background.⁵¹

- Presence and popularity of radical nationalistic literature, films, music. Ultra-nationalistic rock bands and their concerts.

One of the right-wing rock bands Mistreat, is fairly popular in the European right-wing community and originates from Finland. They hold concerts in Finland occasionally.

The themes of their songs include Russophobia, neo-Nazism and racism. Some of the lyrics are reminiscent of Nazi Germany and the Third Reich ideology. The band preaches against multiculturalism, communism and homosexuality.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts	-5
	Total for section 7	-10

8. Radical nationalistic groups and parties

Indicators

- Presence of neo-Nazi and ultra-nationalistic groups, movements, political parties (both in centre and in the localities).

The main nationalistic party in Finland is the Finns Party and was founded in 1995 (True Finns) and led by Timo Soini. In the last parliamentary elections held in 2011 the party received 19.1% of votes and 39 seats of 200 in the parliament⁵²

In Finland, besides the Finns Party, there is an organisation called the “Suomen Sisu” (Finnish strength). This association defines itself as elite club that endeavours to influence those who make the relevant decisions.⁵³ Some experts are of the opinion that members of this association are in fact a significant portion of the Finns Party members, who do not publicise their affiliation with party, which is not announced due to any conspiracy theories.

In December 2012 the foundation of “National-Socialist Party of Finland” was announced in the city of Kotka.

- Discriminatory demands towards the minorities in programmes of these parties and in statements of their leaders.

During their political campaign in 2011 the Finns Party demanded a reduction in the amount of broadcasts in Swedish, and to further abolish the need for civil servants to know Swedish language knowledge. They further pledged for the removal of the compulsory nature

of Swedish language in Finnish school programme altogether and introduce quotas for students from immigrant families.

In terms of immigration, the True Finns claimed that they would welcome any legally employed foreigners (while obnoxiously recalling the “criminal immigrants”) but demanded a decrease in the amount of immigrants receiving benefits, stimulating the process of considering refugee applications, as well stimulating readmission. The party is of the opinion that the citizenship acquisition process via naturalisation should be developed in such a way that it is not as widely available as previously held because “citizenship is a reward.”⁵⁴

The manifesto of “Finnish Strength” (Suomen Sisu) states that the association is a nationalistic party, who strive for development of “Finnish national society.”⁵⁵

The Finns Party also supports the “ProKarelia” organisation, whose aim is to return to Finland Vyborg (Viipuri) and the other territories ceded to Russia as consequences of the Winter War of 1939–1940 and to fight against the Soviet Union in the World War II.

In addition, the nationalists demand a ban on selling Finnish real estate to foreigners. They are open about the fact that their demands are due to the view of “large scale” purchasing of real estate located in the border area on behalf of Russians. The nationalists are of the opinion that this has threatened homeland security.⁵⁶

On February 21, 2012 the initiative to ban real estate sale to foreigners was raised in parliament. The initiative was introduced by Markku Rossi of the Centre Party and it was consequently signed by 22 parliament members. The idea is to ban the sale of Finnish real estate to persons who do not hold a citizenship of country of the EEA. Another suggested change is to prohibit the lease of real estate located in the vicinity of military facilities or national heritage sites. All of the participants of the debate agreed on the importance of the principle of reciprocity with Russia in terms of foreigners buying land. At present, the principle is not taken operating as Russia has limited sale of real estate in the border areas to foreigners. Yet, the experts agree that the possibility of passing this initiative is not very likely.⁵⁷

In regards to the National-Socialist Party of Finland, their only known aim is that of converting Finland a national-socialist state. Their Facebook page stated that their aims were to “participate in the parliamentary elections in 2015 and introduce a national-socialist regime in Finland.” However, their Facebook page was removed soon after.⁵⁸

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human right organisations.

Finnish society is exposed to a significant amount of influence from the Finns Party. According to a poll in 2012, 18% of the population

favoured the Finns Party. The parliamentary election of 2011 proved a huge success for the party in comparison with the elections they previously participated, such as in 2007 where the party received a mere five seats.

Ultimately the party appealed to the conservative population and managed to successfully convince a majority of people that xenophobia and migrantophobia is of the norm. As a result of this, the government is forced to react and endeavour to counteract these attitudes. The current government programme promises that immigration due to employment is only to be allowed if there is a real necessity of it in the field of employment.

One of their aims is to decrease the level of unemployment among immigrants thus decreasing the amount of benefits paid out to them. As for refugees it was promised to increase the reimbursement of municipalities for the expenses due to the integration programmes. It was also promised to speed up the process of asylum seeker application, as well as the process of readmission. This basically repeats the Finns Party manifesto.⁵⁹

An interesting observation of the social attitudes is also that all of the candidates of non-Finnish ethnic origin failed to make it to the parliament.

- Neo-Nazi and radical nationalist influence over the local legislative and executive bodies.

Nationalists represented by the Finns Party have a limited influence over the municipal legislative and executive institutions. Preliminary municipal election revealed that the Finns Party received 12.8% of votes and thus got 1,195 seats in the municipal assemblies.⁶⁰ The most “truly Finnish” municipality was Kihnio in the region of Pirkanmaa, where the party received 53.2% of votes. The least amount of support was observed in Swedish speaking Ostrobothnia province. The amount of votes for the party registered in Korsnas was only 1%.⁶¹

On November 25, it was declared that Timo Soini, the leader of the right-wing Finns Party, is to become the chairman of Espoo city council: which as of January 2013 happens to be the richest city in the country.⁶²

- Neo-Nazi and radical nationalist influence over the central legislative and executive institutions.

After receiving 19.1% of votes in the parliamentary elections of 2011, the Finns Party increased their parliamentary representation from 5 to 39 seats. Their party leader T. Soini ran for presidency in 2012 and received 9.4% of votes.⁶³ One of the most important features of the party is that they are not afraid to raise issues considered controversial

in Finnish society. These issues include the negative attitude towards immigration for employment; the increase in xenophobia and migrantophobia. The government appears to be adopting the Finns Party ideology. This happens to be the evidence of increasing ultranationalist influence on the government.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities)	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities	-5
×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations	-5
×	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies	-2.5
×	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies	-5
	Total for section 8	-22.5

9. Extremist and radical nationalist public actions

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

Nationalist events that took place in Finland in 2012 were not particularly large-scale. However, there was an instance that took place on December 3 in Helsinki where an unknown person yelled out “Heil Hitler” and gestured the Nazi salute while passing a Jewish community building. This was recorded by the CCTV cameras of the building.⁶⁴

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

No such events were registered in 2012.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

No such events were registered in 2012.

- Presence of “football xenophobia” and racism among fans.

No such manifestations were registered in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities	0
–	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities	0
–	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies	0
–	Presence of “football xenophobia” and racism amongst sports fans	0
	Total for section 9	0

10. Racist attacks, violence and terror

Indicators

- Vandalism of cemeteries, attacks on religious buildings.

No such events were registered in 2012.

- Inter-ethnic clashes instigated by xenophobia and radical nationalism.

No such events were registered in 2012.

- Cases of violence, including murder on racial, ethnic and religious grounds.

The representatives of LGBT were vulnerable to attacks and on June 29 a number of unknown people egged the Helsinki Pride parade.⁶⁵

On July 19, participants of debate on the status of sexual minorities suffered from a poisonous gas attack where one person was hospitalised with an eye injury.⁶⁶

On November 8, representatives of the Finnish Jewish community security called upon the members to refrain from wearing kippahs for security reasons. The number of attacks orchestrated on the grounds of anti-Semitism increased in the observation period with around ten incidents of this type of occurring each month.⁶⁷

On November 18 Johan Beckman, the leader of the Finnish Anti-Fascist Committee, as well as a member of “World Without Nazism” organisation, discussed a letter in which an anonymous person had threatened to kill him. The letter also revealed the date of when his apparent murder would take place as December 6, the Independence Day of Finland.⁶⁸ Beckman’s family was forced to leave their home in October because “unknown cars had been driving about” and the neighbours reported receiving calls from anonymous people inquiring about Beckman’s private life. His wife even received a bullet in the mail.⁶⁹

To add to this, a stream of vandals attacked a range of Finnish cities in the winter of 2012. The damage was inflicted upon properties owned by Russian citizens as well as those of Russian ethnic background holding non-Russian citizenship. All of the incidents were of the same nature: offenders broke into houses and flats, destroyed any valuables found, smeared red paint or ketchup on the walls. None of the nationalist organisations claimed responsibility for this.

Human rights activist Johan Beckman stated that “the attacks were made only on the houses belonging to Russians, nothing was taken, and the attacks were only of destructive nature.” According to the report one of incidents involved damage of property belonging to a family from Saint Petersburg, the vandals had cut the sofas open, which were then smeared with ketchup and one of them had a dagger stuck into it; the vandals had also opened the fridge and thrown about the groceries; baking flour and washing powder were poured into the microwave and the washing machine; the clothes and bed linen were soaked in water and smeared with groceries; the mirrors and the walls were covered in creams. Ketchup had been poured around the dagger stuck into the sofa as if to symbolise blood.⁷⁰

These actions are considered to be a form of intimidation strategy used with the desire to force Russians to sell their property and leave

the country. The police are yet to make any charges against the perpetrators of the “Russian damages.” Notwithstanding, such intimidation tactics few Russians are willing to bid farewell to their properties in Finland as the idea of having a quiet European spot is just too appealing.

- Terrorist attacks on the basis of radical nationalism and religious fanaticism.

No such attacks were registered in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Vandalism in cemeteries, attacks on religious buildings	0
–	Inter-ethnic clashes instigated by xenophobia and radical nationalism	0
×	Cases of violence, including murder on racial, ethnic and religious grounds	–5
–	Cases of hate crimes	0
–	Terrorist attacks on the basis of radical nationalism and religious fanaticism	0
	Total for section 10	–5

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

The core anti-Fascist organisations in Finland are the Finnish Anti-Fascist Committee (founded in November 2008, led by Johan Beckman)⁷¹ and the “World Without Nazism” organisation (founded in January 2011, led by Petri Krohn). Their goals are to combat; Nazism, xenophobia; anti-Semitism; the Holocaust denial; manifestations of fascism; the falsification of the World War II history as well as reviewing the consequences of it.⁷²

Other anti-racist organisations include the Finnish League for Human Rights, “Kitke” — the association against human rights violation.

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

A few events took place that were organised by LGBT activists; pride week promoting the rights of sexual minorities took place in the end of June in Helsinki.⁷³

The Northpride festival of the LGBT community was held in July in the city of Oulu.⁷⁴ No mass events were held by the anti-fascists in 2012.

- Presence of anti-racist and anti-fascist civic initiatives.

The so-called “Discrimination free zone” project operates in Finland which is an informative campaign aimed at combatting any form of discrimination, bullying and harassment.

Within the scope of the campaign, organisations and municipalities are recommended to declare themselves as discrimination free zones. This belief projects a sentiment of unity to employees, job seekers and clients of the organisation, who accepts anyone regardless of gender, age, ethnic background, religion, ideology, health conditions, disability, or sexual orientation. The organisers of the campaign are the Helsingin Sanomat news agent, the Finnish League for Human Rights and the Finnish Association on Intellectual and Developmental Disabilities.⁷⁵

Monika—Naiset liitto ry provides help to migrant women and children that fall victim to abuse.

“Kitke,” the Association’s project for human rights, aims to prevent abuse stemming from any honour related conflict and its developments.⁷⁶

In November Samuil Salmi, the bishop of Oulu, offered his condolences and apologies to the Sami people of Finland for long-term subjection to persecution.⁷⁷

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-racist and anti-Nazi movements and parties	5
×	Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations)	5
×	Presence of anti-racist and anti-fascist civic initiatives	5
	Total for section 11	15

12. Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial

Indicators

- Glorification of German National Socialism and/or its collaborators in the media; desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

There is no evidence for any instances related to it during the period in question.

- Glorification of German National Socialism and/or its collaborators with the support of local authorities; demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to soldiers of Wehrmacht and Nazi butchers.

There is no evidence for any instances related to it during the period in question.

- Glorification of German National Socialism and/or its collaborators in decisions made by the government.

Technically there were no such instances, yet it should be mentioned that in November, Carl Haglund, the Minister of Defence in Finland, ignored Johan Beckman's demands to remove the swastika symbol from the flag and the insignia off the Finnish Air Force Academy.⁷⁸

The swastika was the identification mark of the Finnish Air Force up until 1944, yet after signing the Moscow Armistice and declaring war on Nazi Germany (the Lapland War), the identification mark was altered to a blue circle. The Academy, however, opted to forgo these changes in an attempt of "safeguarding its traditions" and still use swastika.

- Historical revisionism, Holocaust denial.

There is no evidence for any incidents related to it during the period in question.

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition	0

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers	0
–/×	Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities	–2.5
–	Historical revisionism, Holocaust denial	0
	Total for section 12	–2.5

13. Persecution of veterans and partisans of the anti-Hitler coalition and anti-fascists

Indicators

- Public calls for repressions against, veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.

A number of high-ranking representatives have publicly spoken out against J. Beckman, who promulgates anti-fascist ideology. At the end of September, Tom Pakalen, a parliamentary member of the Finns Party, demanded Beckman be taken into custody immediately to question him of his suspected involvement Russia affairs.⁷⁹ On October 16, the Finns Party pursued litigation against Beckman where they demanded to punish the human rights activist for “planning treason” — an armed revolt.⁸⁰

- Restrictions imposed by the authorities on human rights and antifascist organisations. Bans to entry or exit imposed on antifascists. Authorities’ inaction.

There is no evidence for any incidents related to it during the period in question

- Criminal persecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

There is no evidence for any incidents related to it during the period in question.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists	-5
-	Restrictions on human rights and anti-fascist organisations imposed by the authorities, bans to entry or exit imposed on anti-fascists by the authorities, inaction of the authorities	0
-	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists	0
	Total for section 13	-5

14. International aspect

Indicators

- Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities.

Finland has signed and ratified the main conventions and international agreements against racism and discrimination; the Framework Convention for the Protection of National Minorities, the Convention on the Elimination of All Forms of Discrimination Against Women; the International Convention on the Elimination of All Forms of Racial Discrimination; the United Nations Convention International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the European Charter for Regional and Minority Languages; and The United Nations Declaration on the Rights of Indigenous Peoples. Finland's inclusion in these agreements not only promotes their full and effective participation in all matters that concern them and their right to remain distinct, but also allow them and to pursue their own individual visions of economic and social development.

- Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period.

There is no evidence for such cases during the period in question.

- International statements and initiatives against discrimination, neo-Nazism and xenophobia made by the monitored countries and their leading politicians.

No such international declarations or initiatives on behalf of government representatives or popular Finnish politicians were observed in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities	5
–	Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period	0
–	International declarations and initiatives of the monitored countries and the leading politicians against discrimination, neo-Nazism and xenophobia	0
	Total for section 14	5

CONCLUSION

Consequences for the development of the country and society, based on the analysis of factors and the following aspects:

1. Human rights

- Guarantees against any form of minority discrimination.

The rights of minorities in Finland are protected by a vast number of normative acts, from a number of Sections in the Constitution and the Criminal Code to the Non-Discrimination Act, the Freedom of Religion Act 2003.

This legislation together with various international human rights agreements and conventions ratified by Finland, technically provide minorities with security against any form of discrimination.

Yet, at the same time certain problems are experienced by the “non-governmental churches,” which are deprived of income, i.e. “the church tax.” Also, certain categories of foreign women encounter discrimination due to the underdevelopment of the juvenile justice system.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.)*

Finland has a very meticulous approach when adhering to the requirements set in the international conventions on human rights. They actively promote the rights of their own; culture; language; education and other right of minorities. Yet, society has manifested an increased level of xenophobia and migrantophobia within the last few years due to the economic crisis. This factor affects the government in such a way that it feels the need to consider imposing various limitations upon the foreigner residents in Finland on both a temporary and permanent basis.

- *Differences between the rights and freedoms of the titular nation and ethnic minorities.*

Differentiation is not apparent between the rights and freedoms offered to the titular nation and national minorities in Finland. The fundamental rights set by international legislations are guaranteed to ethnic minorities in Finland.

- *Legislation enshrining inequality of minorities.*

The Freedom of Religion Act and revenue laws in Finland promote the existence of official churches: the Evangelical Lutheran Church and the Orthodox Church, both of which receive their income from the so called church tax. No other churches represented in the country receive any benefit from this tax.

- *Rulemaking in protection of minorities.*

The plan to revise the Act on the autonomy of the Aland Islands was announced in 2012.

- *Freedom of speech violation.*

In 2012 there was an attempted “to silence” the human rights activist J.Beckman, by branding him “Finland’s enemy” due to him taking the side of A.Zavgorodnyaya, who suffered from the construction of the juvenile justice system.

- *Legislation and law enforcement practices concerning immigrants.*

The immigration legislation in Finland is of a fairly developed status. The republic ratified the fundamental international conventions and agreements related to rights of immigrants. As of 2001 foreigners were afforded the right to vote in local elections, granted that they had been a resident in Finland for at least 5 years. The responsibility for managing the rights of immigrants is vested in the Ombudsman for Minorities.

In 2012, the National Tribunal whose role is to deal with discrimination cases opted to abolish discriminative practices regarding the examination of documents belonging to immigrants entering the country. There are various programmes for integration.

At the same time the employers in Finland, unlike other countries belonging to the EU, do not take previous work experience into account if that work experience was acquired outside of Finland. This policy wavers from the regulations set by the EU.

Another issue identified is the discrimination dealt to foreign mothers and their children who reside in Finland on a permanent basis. The differences between cultures and practices in raising children, as well as a certain level of xenophobia amongst the officials of the social services, have resulted in an unreasonable number of scenarios where children are being taken from their families. The worrying issue present here is that these incidences are occurring at an ever increasing frequency.

2. State of the society

- *Risk of violation or non-compliance with the acting laws aimed at protecting the rights of minorities; risk of discriminatory practices against minorities.*

Finland has always been considered a tolerant country in regards of respecting the rights of minorities. The recession that broke out in 2008, as well as the increased flow of immigrants from the third world countries has led to more incidences of xenophobia and migrantophobia within the society. The evidence that supports this is the amount of votes (almost 20%) received in favour of the Finns Party in the last parliamentary elections.

The government's attempts to follow the ideology of the radical nationalists regarding immigrants resident in Finland show that the government lacks the means to counter the radical nationalists appropriately. Essentially the mere existence of such aspects as discrimination in the form of foreign families having their children withdrawn by social services, discussion on cutting down the amount of hours dedicated to learning of the Swedish language, etc., is the consequence of perplexity within the government that appeared due to the increase in xenophobia. As a result of this, society may encounter certain problems, which in turn may lead to the destruction of any existing legislation regarding the rights of minorities.

- *Identity — how manifestations of xenophobia and extremism affect the identity of minorities, as well as majority's identification of minorities (growth of social phobias).*

There were no surveys conducted regarding this subject during the observation period. Yet, it is possible to assume a significant potential for latent xenophobia when analysing data collected from previous surveys. To a certain extent, the reason for xenophobic attitudes is that "native" Finns often are of the opinion that immigrants come to Finland only to the social benefits available to them.

The members of minorities in turn have begun to see Finland as a country of "hidden racism" which resultantly galvanises them to move to a more tolerant country within the EU as U.Abu-Hanna mentioned above.

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socioeconomic development of the country)

- *Standard of living.*

Finland was ranked 7th according to the Legatum Institute Prosperity Index and were thus in top-5 EU in the Index.⁸¹ Despite the increase migrantophobic attitudes recorded in society, xenophobia is yet to pervade wide enough to have an effect on economic development of the country.

- *Economic turmoil and instability.*

Nevertheless the recession has had an adverse effect on Finland's economy. 2012 proved an unfortunate year for the country's economy which saw a slight growth in 2011, followed by a decline (-0.2% GDP). The level of unemployment remained pretty high at 7.7% (7.8% in

2011) while employment institutions further announced even more layoffs and redundancies.⁸²

Such a decline in a social country like Finland happens to create an optimum environment for escalating incidences of xenophobia, migrantophobia, and especially allegations that immigrants are “mooching” off the native population. These attitudes were in turn recycled by the right-wing Finns Party which in turn saw their following expand and their popularity is yet to lose momentum.

- *Decline in production growth, emigration of the labour force.*

Essentially the production decreased aforementioned is the consequence of the recession and was unrelated to the levels of emigration amongst the working population. At the same time Finland has an aging population and this proves an influential pull factor for people seeking work, especially from Eastern Europe, Asia and Africa.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

Despite the existence of the ultra right-wing party, the social environment remains fairly stable in Finland. The Finns Party is yet to gain a significant majority of support to be seen as serious challengers. The majority of population is of a democratic political stance and thus do not tolerate any xenophobic attitudes. At the same time, it has to be noted that some of the member of the ruling party maintain xenophobic viewpoints. These have not only been evidenced in social networks, like the views of the Finns Party, but they are also openly present in statements. On top of that law enforcement authorities often opt not to take action in such instances. Another danger posed is that the ruling party appears to share several ideologies with the Finns Party which they project in their own manifests.

- *Impact of xenophobia and extremism in the country on the issues of external security, on relations with third countries and the international security in the region as a whole.*

Finland ensures good relations with the bordering countries. The pledge for returning the territories annexed in 1940s is issued from marginal groups and is not included in the main political agenda. There is, however, a level of tension in the relationship with Russia due to unfair treatment of Russian mothers at the hand of the social services. According to Finnish authorities, many of such instances occur because of “inappropriate parental conduct.”

RECOMMENDATIONS

1. *General recommendations on accession to international agreements and conventions.*

Despite the existence of the immigration legislation, it would be advisable for Finland to join the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. In addition, due to the increase in the popularity of the right-wing radicals it would be serve purpose for Finland to join the process of voting for the United Nations General Assembly resolutions condemning neo-Nazism.

2. *General recommendations on adjustments to the legal framework.*

The recommendations alleging that women of Russian origin have a disposition for abuse of their children should be excluded from the regulations of the Finnish social services.

It is also important to align current tax legislation with the Constitution and the Freedom of Religion Act. The former ensures the freedom of practicing any religion. Currently the tax legislation states that “non-official” churches of Finland are not eligible receive any income from the “church tax.”

3. *General recommendations for the executive bodies of law enforcement and human rights.*

The Finnish government should continue the struggle against xenophobia and discrimination. More attention should be paid to counteracting the influence of xenophobic and migrantophobic propaganda that portrays immigrants as “parasites.” The law enforcement authorities in turn should take measures against any xenophobic statements of politicians regardless of which side of the political spectrum a given politician happens to represent. The discrimination displayed against foreign families should be terminated (the cases of children being taken away due to “abuse taking place”).

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SUMMARY OF INDICATORS FOR 2012

No.	INDICATORS	SCORE
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-10
2	Xenophobia and inflammatory statements by members of the authorities and media	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	20
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
5	Activities aimed at promoting tolerance and preventing extremism	5
6	Status of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	0
7	Incitement of religious and ethnic hatred	-10
8	Radical nationalist groups and parties	-22.5
9	Extremist and radical nationalist public actions	0
10	Racist attacks, violence and terror	-5
11	Presence, popularity and size of anti-fascist and anti-racist movements	15
12	Glorification of German National Socialism and collaborators of Nazi Germany	-2.5
13	Persecution of veterans and partisans of the anti-Hitler coalition	-5
14	International aspects	5
	Total	-10

FRANCE

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

Indicators

- Discriminatory legislation affecting minorities residing in France in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

France is the birthplace of human rights, a country that gave birth to the most popular anti-discriminatory and anti-racist laws. At the same time, France is one of the few countries that does not recognise the existence of ethnic minorities on its territory, and, consequently, their special rights, which would differ from the “ordinary” human rights.

Ethnicity and ethnic identity of the indigenous minorities in France is excluded from the political vocabulary, and minorities themselves are not recognised as potential subjects for political rights.

For this reason, the French Republic has not yet acceded to the Framework Convention for the Protection of National Minorities, although its argument in this case is more anti-racist than racist itself. The French found it unnecessary, and even found it to violate the principles of equality, fraternity and liberty. French politicians are fond of saying that all French citizens, regardless of their skin colour, religious beliefs, or origins are French.

Meanwhile, errors in the multiculturalism policy have resulted in the situation that many French citizens, primarily among the recently arrived to the country, do not consider themselves French, even though they enjoy all the social benefits the country provides to its citizens. They consider themselves a minority, despite the fact that the state persistently does not recognise their existence. This problem, along with such an ancient issue as the rights of the German minority in Alsace and Lor-

raine, is increasingly often brought up to question the recognition of ethnic minorities in France, and their rights, which need to be protected.

Talking about the current discriminatory laws against the minorities, it is worth mentioning the currently active law of 2010, prohibits the wearing of headwear and clothes concealing face. The French Constitutional Council has confirmed that this law does not contradict the Basic Law. However, the wearing of religious and cultural symbols and clothing is within the concept of the right to freedom of expression. Furthermore, it is a component of the right to freedom of religion and belief. These rights have to be equally respected regarding all religions. Therefore, many observers regarded this law as discriminatory against Muslims.

It is evident, that the adoption of this law, which directly invades the sphere of religious customs of a significant part of the population, creates preconditions for a wave of radical nationalistic sentiments, from both the Muslim community and the Islamophobes.

In addition, since 2004, France has a Law “On the prohibition of religious symbols.” This law prohibits all civil servants, including teachers, to openly wear religious symbols, and prohibits the pupils of public schools to demonstrate their religious affiliation. The latter particularly applies to Muslim headscarves, Sikh turbans and Jewish kippah. Authorities stated that the ban also applies to “large” Christian crosses; however, it has not yet been applied to “ordinary” neck crosses.

Public funding of Islamic religious schools is practically non-existent in France. This essentially removes Islamic religious education, which still exists in one form or another, from government’s control. This provision is based on the 1925 law that prohibited public funding for all religious organisations that do not have cultural ties with France, its history or culture. Thus, most religious organisations of immigrants, who are mostly Muslim and have no historical ties in the society, do not have the right to government funds. Therefore, public funding is available for Catholics, Protestants and Jews, but not Muslims.¹

In May 2001, France adopted the law of Abu-Picard (name of initiators) on combating religious “sects.” Its purpose was to dissolve religious groups that have repeatedly been accused of criminal offenses. This law received a lot of criticism. Catholic and Protestant churches spoke out against it, noting that the law could be used against a number of religious practices of traditional religions. Vatican’s official publication “La Civiltà Cattolica” emphasised that the law may actually threaten not only the religious freedom, but also the freedom of belief. The Parliamentary Assembly of the Council of Europe, in resolution No. 1309 (2002), urged France to reconsider this law. The UN Special Rapporteur of Religion and Belief reminded the French authorities that a democratic society has a sufficient set of tools for preventing fraud and abuse, and that dictating the matters of human conscience is not gov-

ernment's or any other institutions business, imposing, or rejecting certain beliefs or confessions.²

- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

French legislation does not contain such restrictions. However, in October 2012, French people spoke out against the President's idea to introduce voting rights for foreigners. According to the opinion polls, 60% of indigenous people strongly oppose this idea. According to them, in this case, foreigners would get too many rights.³

- Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.

French legislation is one of the most liberal in the world in terms of freedom of speech and freedom of expression. The first amendment of the French Constitution of 1958 states, that France "ensures all citizens' equality before the law, regardless of their origin, race or religion."

There is only one restriction of freedom of speech, and this takes the form of libel publications. In addition, there is a legal restriction related to the denial of Holocaust. In 2011, an attempt to adopt a similar law on the 1915 genocide in Turkey ran into the position of the Constitutional Court in 2012 (Constitutional Council, resolution No. 2012-647DC), which ruled that "this law contradicts the provision of the Constitution on the freedom of speech and thought; therefore, the legislative body has no right to contradict the Constitution." As a result, the law was deemed invalid and was rejected in its entirety.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health-care, worship, etc.

Despite the presence of strict anti-racist and anti-discriminatory legislation, France allows discriminatory practices against ethnic minorities and this generally concerns immigrants.

According to the National Human Rights Commission, France has almost 500,000 people of different nationalities, who are categorised into a single group of "migrant nomads." A separate subgroup consists of Roma, who include around 15,000–20,000 people, mostly arriving from Romania, Bulgaria and the former Yugoslavia.⁴ In July 2010, mass deportations of Bulgarian and Romanian Gypsies were launched, which resulted in a wave of international protests that were led by the creation of the petition No. 64/2011 (January 28, 2011) which submitted for the consideration of the European Committee of Social Rights (ECSR).

The European Roma and Travellers Forum accused France of violating Articles 16, 19, 30 and 31 of the European Social Charter.

On January 24, 2012, the European Committee of Social Rights declared France guilty of discrimination against Roma, which was expressed in the violation of Articles 16, 19, 30 and 31 of the European Social Charter.⁵ The final decision was published on June 4, 2012. It should be noted that the following articles relate primarily to social and labour discrimination,⁶ however, since all these violations concern one minority, Roma, violations of the rights of the one national minority are apparent.

Cases of discrimination against Roma also occurred in 2012, despite protests from the UN and various human rights organisations. In July 2012, a wave of large-scale evictions from illegally occupied buildings and elimination of temporary camps occurred in Lyon, at the initiative of the local Prefecture. From August to October 2012, the government initiated the deportation of Roma immigrants, regardless of their EU citizenship, exploiting the shortcomings of the migration legislation (see below). In addition, the French attempted to pass the responsibility for the Roma situation on Bulgaria and Romania.

The French Minister of the Interior Manuel Valls stated that during his visit to Romania on September 17, 2012, the French authorities continued to eliminate caravan sites, which are viewed as unsanitary objects, and that they will continue to deport Roma to their countries, including Romania.⁷

The summer campaign to eliminate the spontaneously built Roma settlements and the deportation of Roma in 2012 was very reminiscent of the events of 2010, which raised doubts regarding the sincerity of promises of Francois Hollande, a socialist President, elected in May. By mid-September, it was estimated that around 4 thousand people were subjected to force eviction; hundreds were deported into Eastern Europe. According to the Secretary General of Amnesty International Wolfgang Grenz, Roma have very limited opportunities for education in France, as well as in Italy, Czech Republic, Hungary and Romania.⁸

In September, the government, pressured by the police unions, refused to implement the proposal to introduce forms for the protocols of street document verification, designed to increase the accountability of the police and remove the concerns about ethnically prejudiced street checks. In October, the Ombudsman recommended to conduct reforms and legislatively regulate body searches during such inspections. In June, the supreme criminal court of France found that the police authority demanding proof of right to reside from citizens, regardless of their behaviour, is contrary to the EU rules on freedom of movement.

In March 2012, Prime Minister of France Francois Fillon spoke out against shechita, the Jewish kosher slaughtering method; a similar method is also used by devout Muslims. Francois Fillon dubbed these

slaughtering methods outdated and cruel, proposing the introduction of a Law that would prohibit its use in France.⁹

On September 22, 21 people were arrested in Paris in connection with the newly introduced ban on holding protests against the anti-Islamic film “Innocence of Muslims.”

On September 27, the Minister of the Interior Manuel Valls proposed a draft law that would tighten the fight with illegal immigration. According to the new text, French police can hold an illegal immigrant for up to 16 hours, for the purpose of identification. Previously, they were only able to do this for up to 4 hours.

In December 2012, French government came up with a new questionable initiative. Minister of the Interior, Manuel Valls announced that the French government is declaring war on the radical religious organisations. He stated that immigrant imams who are demonstrating signs of fanaticism will be deported from the territory of the Fifth Republic. In addition, the most aggressive associations, regardless of their religion, will be forcibly disbanded including traditionalist Catholics.¹⁰

As an example, Valls recalled the organisation called Civitas. This radical right Catholic movement, associated with an extremist organisation, is actively pursuing “blasphemers.” It is this group that assaulted a group of feminists supporting the legalisation of same-sex marriages in Paris on the previous month. The task of identification of potentially dangerous religious fanatics will fall to the police.¹¹

In 2012, there were several cases of discrimination based on the so-called “excessive tolerance.” For example, in December, a history teacher from Narbonne, during a school visit to a Catholic Cathedral, threatened to punish the students who bless themselves during the tour. A disobeying student would have to stay after school for 3 hours. According to the teacher, any manifestation of religious feelings should be prohibited in accordance to the principles of secularism.¹²

On September 18, employees of the Parc des Princes stadium in Paris, which hosted a game between Dynamo Kiev and Paris Saint-Germain prohibited the fans of the guest team to carry and hang Ukrainian flags on the stands. The ban was explained by the fact that the teams composition is international, and Ukrainian symbols may offend the Dynamo players, even though the Ukrainian flag is not on the official list of UEFA banned symbols. After much persuasion, administration operating in the stadium made concessions and allowed them to hang a banner saying “Glory to Ukraine,” which is actually a greeting of the Organisation of Ukrainian Nationalists (OUN).¹³

On November 15, it was reported that the French public sector organisation RATP (Paris Autonomous Transport Operator) refused to publish campaigns against Islamophobia on their advertising spaces, calling it “religiously and politically biased.” Under “biased,”

RATP representatives meant the use of Abram religious symbols and the French flag.¹⁴

In late November, it was reported that a geography and history teacher in Condorcet de Saint-Prix lyceum in Lyon was subjected to harassment by her colleagues and students because of her affiliation to Judaism. School administration even tried to dismiss her, however this attempt failed when rabbi Richard Vertanslag intervened after having discovered the situation.¹⁵

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Discriminatory legislation affecting minorities residing in France in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5
-	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin	0
-	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication	0
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5
	Total for section 1	-10

2. Xenophobia and inflammatory statements by members of the authorities and media

In the first round of presidential elections in France, held on April 21–22, 2012, a candidate from the “National Front” party Marine Le Pen gathered 17.9% of votes. In January 2011, she succeeded her father as a leader of the National Front, departing the party from its previous policies. Sharp anti-Semitic statements were replaced with new projections: “Islam as a new enemy” and “Islamisation of France is evil.”¹⁶ Le Pen came third in the number of votes gathered. During the election campaign, the nationalist candidate and Member of the European Parliament was actively using anti-Islamic rhetoric.

In an interview with the Russian radio “Voice of Russia,” Marine Le Pen stated:

“The growth of fundamentalist sentiments did not start in France yesterday, but politicians preferred to turn a blind eye; and when I tried to raise the issue I was immediately gagged and branded with contempt. Mass immigration and endless demands, which both left- and right-wing governments hastened to meet, became a fertile ground for Islamist fundamentalism. Radical Islam in France did not appear out of thin air. With the consent of the government and the Union of Islamic Organisations in France (UOIF), radical preachers annually arrive to our country, and this is not news. Incidentally, after the “case of Mohammed Merah,” I was able to make sure that they are banned from entering.”¹⁷

According to Le Pen, the zones of increased crime rate in France approximately coincide with immigrant areas, and as long as no specific measures are taken this trend will only gain momentum.

“Instead of the immigrant assimilation policy there is a policy of their integration, which is absolutely ineffective, since immigrants in France are sent to cultural ghettos. Furthermore, the doors into our country are still open for hundreds of thousands of people, when there is neither work nor housing to accommodate them here. They are distributed around French suburbs, ghettos where there is drug trafficking and criminality,” she said.

On December 30, Le Pen also proposed to prohibit the wearing of Jewish kippahs, the traditional Jewish male headwear, in public places. In her opinion, it is logical, because France had adopted a similar ban in the past on hijabs, burqas and niqabs, which Muslim women use to cover their faces. Le Pen thinks that Jewish kippahs are no better. On the question of whether this ban would limit the freedom of citizens, the radical right politician simply replied that: “it is prohibited to walk on the street naked, and this is also a restriction of freedom.” At the same time, Le Pen believes that journalists publishing cartoons of Prophet Mohammed should not be restricted. According to her, even though it is a provocation, freedom of speech is far more valuable.

French Minister of the Interior Manuel Valls condemned this proposal by the leader of the French nationalists, addressing the Jewish community during his visit to a great synagogue in Paris, “French Jews can proudly wear their kippahs!” he stated, wearing a kippah himself.¹⁸

On September 19, 2012, a French satirical magazine *Charlie Hebdo* published cartoons of Prophet Mohammed. Magazine and it sold out its entire print, but the publisher decided to issue another 70,000 copies in time for Friday prayers in mosques.

Charlie Hebdo finds itself the centre of anti-Islamic publication scandal not for the first time. Last year, the magazine issued an edition under a changed title, Sharia (instead of Charlie) Hebdo, which can be

translated as “Sharia Weekly.” After such an initiative, the editorial’s office was bombed.

Other French magazines followed Charlie Hebdo’s example in order to increase sales, publishing images and titles that essentially call upon a fight against Islam on their covers.

Jeune Afrique magazine’s website, devoting a detailed article to the covers of French magazines over the past several months, noted that they publish provocative headlines about Islam and Islamophobia in order to attract readers’ attention. According to this website, this is not the first time European publications, making attacks against Muslims and portraying the imaginary cruelty of Muslims, are increasing their circulation.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Xenophobia and inflammatory statements of the authorities and the media	-5
	Total for section 2	-5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist and anti-extremist legislation, and legislation directed against incitement of ethnic and religious hatred in the country.

Constitutional Acts of France recognise equality before the law, equality of gender, equality of race and nationality, equal rights to employment, regardless of origin, opinions or religious beliefs, equal access to education, culture, and profession. These rights are based on the Declaration of Human and Citizen Rights, referenced by the modern Constitution of the country, whose preamble states that “The French peoples solemnly proclaim their commitment to human rights... as they were defined by the Declaration of 1789 and Constitution of 1946.”

In 1994, France adopted a new Criminal Code, which also increased the penalties for racial discrimination in any form. According to it, the explicit manifestations of racism and xenophobia are punishable, as well as the propaganda of racial discrimination. Criminal responsibility is also provided for “inciting hatred and violence against an individual or a group of individuals on the grounds of their ethnic,

religious or racial origin.” Public defamation or insults on the grounds of racial or religious affiliation are also criminalised.

Furthermore, the French Criminal Code even prohibits the gathering of information on ethnic and religious affiliation of a person.

In general, France, like most EU countries, is guided by the directives of the European Union. On June 29, 2000, Council of the European Union adopted Directive 2000/43 “On the enforcement of the principle of equality of persons irrespective of racial or ethnic origin.” By 2003, all countries that were part of the EU at the time, including France, adapted their national legislations to coincide with the norms of this Directive. France, in particular, adopted a Law “On strengthening the penalties for offenses of a racist, anti-Semitic and xenophobic nature” on February 3, 2003.

Six months after the adoption of the Directive, on November 4, 2000, Council of Europe opened for signature the 12th Protocol to the European Convention on Human Rights and Fundamental Freedoms, significantly expanding the capabilities of Article 14 of the Convention regarding non-discrimination.

The adoption of these two instruments provided a historical opportunity to improve anti-racist and anti-discriminatory legal standards throughout Europe. No less important is the fact that they also paved the way for the creation of effective structures with sufficient judicial authority and resources to ensure the compliance with the adopted laws. These fundamental EU documents have been prepared on the basis of the then-existing law enforcement practice, as well as the International Convention on the Elimination of All Forms of Racial Discrimination.

An important point in the European anti-racist legislation is the Article 5 of the Directive, Protocol 12 to the European Convention on Human Rights and Fundamental Freedoms, and Article 1 (4) of the International Convention on the Elimination of All Forms of Racial Discrimination, which require states to take positive actions by “taking certain measures for prevention of- or compensation for damages arising from racial or ethnic origin.”

For a more rigorous suppression of all forms of racism and anti-Semitism the French legislative has introduced aggravating circumstances on hate crimes, such as threats, theft and extortion. The statute of limitations for racist or anti-Semitic acts, related to publications in press has also been increased (the so-called Perben II Law of March 9, 2004, amending the judiciary system in light of new trends in the sphere of crime).

For many years, France also have provisions of law devoted to genocide, war crimes and crimes against humanity with prescribed sanctions. However, only the law “On Holocaust Denial” was practically ap-

plied, providing for a prison sentence of up to one year and a fine of 45,000 euros.

- Presence and improvement of anti-discriminatory legislation.

France has a developed anti-discrimination legislation, based on the above-mentioned EU documents.

It is important that European (and accordingly, the French¹⁹) legislation against discrimination includes both the concept of “direct” and “indirect” discrimination as the so-called prohibited act (Article 2 of the Directive).

For the purposes of the Directive, “Direct discrimination” is defined as “a less favourable treatment of a person or a group than another one in a comparable situation, on a grounds of race or ethnicity” (Article 2(2)a of the Directive). “Indirect discrimination,” in accordance with Article 2(2)b of the Directive, occurs when a common and apparently neutral provision, practice or criterion applicable to everybody has less favourable effect on the person of a certain race or ethnicity, compared to other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.”

French anti-discrimination legislation essentially allows the government to use a number of measures to achieve an adequate representation of ethnic, religious and other minorities in various areas of social and public life. Such measures may relate to employment for members of the groups that historically did not have the opportunity for equal participation, as well as the active identification and employment of members of those groups in the public service, including, but not limited to the police, prosecutor’s office and courts.

It is important that European anti-discrimination legislation also includes a ban on “Instruction to discriminate” on the prohibited grounds (Article 2(4) of the Directive and Article 4(a) and (c) of ICERD). It is worth noting that this legislation applies to both “public and private sector, including the government authorities” (Article 3(1) of the Directive). Thus, the law specifies that discrimination committed by a private entrepreneur or owner of a restaurant is prohibited as much as discrimination committed by a police officer or a social worker.

In accordance with the above-mentioned legislation, discrimination is prohibited in the following areas (but not limited to): conditions for access to employment (Article 3 (1)(a) of the EU Directive); assistance in choosing a profession, training and retraining courses (Article 3(1)(c) of the EU Directive); employment and working conditions, including dismissals and wages (Article 3(1)(c) of the Directive); social protection (Article 3(1)(e) of the Directive); healthcare (Article 3(1)(e) of the Directive); social assistance (Article 3(1)(f) of the Directive);

education (Article 3(1)(g) of the Directive); access to goods and supply of goods and services available to the public (Article 3(1)(h) of the Directive); housing (Article 3(1)(h) of the Directive); justice, including human security (Article 5 (a) and (b) of ICERD and Article 6, 13, 14 of the ECHR); political participation, including the right to vote and hold public office (Article 5(c) Article 14 of ICERD, ECHR and Article 3 of Protocol 1 to the ECHR).

In 2002, the following amendments and changes were added to the EU Directive 76/207 through the Council Directive 2002/73 EC from October 23, 2002²⁰:

— Definitions of direct and indirect discrimination were enshrined identical to the Directive 2000/43/EC and Directive 2000/78/EC.

— Rules of compensation to the person affected by discrimination were defined.

— Criteria for differentiation of employees on gender were expanded, greater guarantees for ensuring gender equality were implemented, including the ability to provide family leave for both genders

— Protective measures have been expanded, including the ability of a person affected by discrimination to appeal seek help from the relevant non-government institutions and the development of a dialogue between the member governments and such institutions.

— Provisions on sexual harassment have been introduced.

- Compliance with anti-Nazi, anti-racist and anti-extremist legislation by the authorities (central, regional, municipal), law enforcement and judiciary, as well as their compliance with legislation directed against incitement of ethnic and religious hate and compliance with anti-discriminatory legislation.

Such legislation was generally complied with in 2012. However, there were some cases of employment discrimination against Roma and Muslims (primarily amongst immigrants from other EU countries), as stated by the UN High Commissioner for Human Rights Navanethem Pillay at the 21st session of the United Nations. The same concerns were related to access to education.

According to the human rights organisation Amnesty International, Muslim women are being denied jobs and girls prevented from attending regular classes just because they wear traditional forms of dress, such as the headscarf. Men can be dismissed for growing beards associated with Islam.”²¹ However, according to the International Human Rights Movement “World Without Nazism,” this does not only concern Islam, but also Judaism.²²

There have been cases when French employers were not prevented in engaging in discrimination. For example, when it was claimed that

religious or cultural symbols may irritate clients or colleagues, or that they are contrary to the corporate image of the company and its “neutrality.”²³ This directly contradicts the EU anti-discrimination legislation, which allows for a varying treatment in employment only when the nature of the work requires it — report states.

In August, the UN Special Rapporteurs on the right to housing, rights of migrants, rights of minorities, and racism, made a joint statement, where they expressed concern with government’s failure to provide alternative housing, risks of collective expulsions and stigmatisation of Roma. In September, the French government adopted initiatives on mitigating the restrictions on access to employment for Eastern European immigrants, including Roma, and signed a new agreement on deportation with Romania, which provided for reintegration projects.

- Counter-actions against hate crimes (criminal cases against organisers and participants, convictions).

France has one of the toughest legislations aimed at combating hate crimes. In 2012, French authorities prepared a National Action Plan for 2012–2014, which has been developed by the Ministry of the Interior and other agencies, and approved by the government on February 15. In addition, on February 16, 2012, authorities established a position of the interagency delegate on combating racism and anti-Semitism.

The National Action Plan 2012–2014 is aimed at mobilizing all stakeholders in the fight against racism and anti-Semitism and is framed around four main objectives:

1. Increase knowledge of and collect information on incidents of a racist and anti-Semitic nature;
2. Systematically repress racist and anti-Semitic acts and better protect vulnerable peoples;
3. Lead a long-term, comprehensive prevention strategy to address discrimination based on origin within central and local administrations and in the private sector, in particular through education, training, culture and sport, and placing particular emphasis on the role of the Internet and other media, the specificities of citizens of French overseas departments and the reform of legislation applicable to travellers;
4. Include the struggle against racism and anti-Semitism in the integration policy and the promotion of equal opportunities.²⁴

In 2012, French police had instigated 350 criminal cases on charges of hate crime. Police became particularly tough and active after the crimes in Toulouse and Sarcelles. After these incidents, the government launched a large-scale anti-terrorist operation, which resulted in the elimination of multiple Islamist groups where their leaders appeared before court. The authorities also managed to discover lists of planned suicide attacks directed primarily at Jews²⁵

Dozens of suspects were arrested during a series of special police unit raids, directed by the Central Office of Internal Intelligence (Direction Centrale du Renseignement Interieur, DCRI). Raids were conducted in several waves in various regions across the country: in Greater Paris, Toulouse and Marseille in the south, in Nantes and Le Mans in the west, and in the industrial centre of Roubaix near a Belgian border.

Paris prosecutor Francois Molins stated at a press conference that police had seized around 20 units of firearms, including Kalashnikovs. According to him, the arrested members of the little-known group “Frosane Alizza,” which is translated as “Knights of Pride,” admitted to harbouring plans to kidnap a Lyon judge Albert Levy. Albert Levy is known for meddling in corruption; however it is known that Levy was subjected to anti-Semitic statements and death threats. The Head of the DCRI Bernard Squarcini reported that the arrested were involved in military-style training, including religious indoctrination and propaganda of violence. The leader of Frosane Alizza, Muhammad Asham-lan stated through a lawyer that his group did not plan any terrorist acts or kidnappings.

Besides police raids, measures are taken against extremist preachers.

The French Ministry of the Interior reported the deportation of two imams. One was sent to Algeria, and the other one was sent to Mali. The reason for their deportation was the contents of their sermons. The list of unacceptable topics included: anti-Semitic statements, denial of Western values and calls to return burqas for women. The wearing of burqas in public places is prohibited by the French law. Decisions on the expulsion of three other Islamic clerics, from Tunisia, Turkey and Saudi Arabia, were also prepared. The Saudi imam is currently out of France, but he will be denied entry. Authorities have also denied entry to four Islamic preachers, who were coming to the annual Union of French Islamic Organisations conference. This decision was justified by the fact that their sermons contain encouragement of hatred and violence.

At the same time, this does not mean that police reacts to all hate crimes. The Ministry of the Interior itself admitted that even though the government has mobilised efforts on combating racism (improvement of control mechanisms, increase of the police force), it has not lead to the identification of more accurate indicators on the amount of committed attacks with 100% accuracy yet to be achieved.

According to a preliminary assessment, a large number of cases were not considered due to lack of witnesses. These are basically life-threatening incidents. Only 8% of such attacks committed on the ground of racism were reported by victims themselves, and 3% of the cases were reported by witnesses.²⁶

- Unlawful use of anti-extremist legislation.

Examples of the unlawful use of anti-extremist legislation include the ban on demonstrations protesting against the film “Innocence of Muslims” in September 2012. During preventative raids, police detained 21 people, including many women in traditional Muslim headscarves.

Characteristically, the French Prime Minister Jean-Marc Ayrault stated, talking about the ban on protest actions, that he sees “no reason why we should let conflicts which do not concern France come to our country.”²⁷ It seems that the Prime Minister does not consider Muslims relevant to his country.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-Nazi, anti-racist and anti-extremism legislation, legislation against incitement ethnic and religious hatred in the country	5
×	Presence of anti-discrimination legislation	5
×	Compliance of the authorities (central regional, municipal), the law enforcement and judiciary, with anti-Nazi, anti-racist and anti-extremist legislation. Compliance with anti-discriminatory legislation and legislation directed against the incitement of ethnic and religious hatred	5
×	Counter-actions against hate crimes (criminal cases against organisers and participants, convictions)	5
×	Unlawful use of anti-Nazi, anti-discrimination and anti-extremist legislation	-5
	Total for section 3	15

4. Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

On March 25, around 200 people gathered for a mourning rally in front of the Lyon City Hall, commemorating the victims of the attacks in Toulouse. Two large posters were hung on the City Hall, one of which pledged to combat racism, anti-Semitism, fundamentalism and hatred

towards foreigners. The other poster listed the names of the victims, including the three children and a teacher of the Jewish school, as well as the three soldiers, two of whom were Muslim.

“Our country faced one of the most abominable tragedies of its recent history, which affected us all,” said Mayor of Lyon Gérard Collomb, “This tragedy is both depressing and bewildering. How a society like ours could produce such a cold-blooded monster?”²⁸

On April 27, 2012, former French President Nicolas Sarkozy sent his greetings to the President of Israel Shimon Peres, dedicated to Israel’s Independence Day. Sarkozy expressed his desire to fight anti-Semitism, referring to the Toulouse terrorist attack, calling it “a devastating tragedy for both our countries.” He also assured Peres that the French authorities are determined to mercilessly combat anti-Semitism.²⁹

On May 2012, Francois Hollande, assuming the Presidential office, demonstratively outlined the difference between his future policies and style and the style of his predecessor Nicolas Sarkozy. The French President promised Europe a new economic pact to stimulate economic growth, and pledged to defend the principles of the Universal Declaration of Human Rights worldwide.

“The first condition for new-found confidence is the nation’s unity,” he said, “Our differences mustn’t become divisions, or our diversity discord. The country needs calm, reconciliation and to come together. It is the President of the Republic’s role to help bring this about. To enable all French people, without exception, to live by the same values, those of the Republic. This is my pressing duty. Whatever our age, whatever our firm beliefs, wherever we live — in mainland France or in overseas France, in our towns and cities or in our rural areas, we are France. Not one France set against another, but a reunited France with the same community of destiny. And I’ll reaffirm on every occasion our inviolable principles of secularism, just as I will fight racism, anti-Semitism and all forms of discrimination.”³⁰

On Sunday, July 22, President of France Francois Hollande delivered a speech at the ceremony dedicated to the victims of the “Winter Velodrome” raid, held in the XV arrondissement of Paris. He stated that France participated in the Holocaust and it is obliged to admit this.

In July 16th and 17th, 1942, the French police, following the demands of German occupants, arrested 13,152 Jews. The majority of them spent 4 days at the Winter Velodrome, after which they were sent to concentration camps.

According to the President, the arrests of Jews are on the conscience of the French, since not a single German participated in them. Whole families and many children were among the victims. However,

two thirds of the modern youth do not remember these tragic events, Hollande noted. He added that in this case, it is not just the Jewish history, it is the history of the world, including France.

Francois Hollande also stated that the French who heroically protected Jews from violence should not be forgotten. “Anti-Semitism is not a world view, it’s an abomination,” the French President concluded.

The President assured that France will do everything possible to make sure Jews feel safe from now on. At the same time, he did not neglect to mention the current manifestations of anti-Semitism in the country, talking about the terrorist attack near a Jewish school in Toulouse.³¹

On 1st November 2012, President of France Francois Hollande and an Israeli Prime Minister Benjamin Netanyahu paid tribute to the victims of Toulouse attack. They spoke against anti-Semitism and racism in a Hebrew school “Ohr Torah.”

In his speech, President stated that “French Jews should know that the republic will do everything possible to protect them and the national flag is the guarantee of their safety. The safety of Jews in France is not just a matter for Jews, it is a matter for all French people.”

Before the ceremony, one of the children asked him how long will the police officers stand in front of the school. “I said — as long as it’s necessary. And there will be as much of them as necessary. Everywhere in France where there is a threat, there is a risk. But the republic aims to make sure that there will be no need for police officers in front of schools.”

President also spoke out against the uncertainty concerning Islam: “Radical Islam is not Islam. And we must ensure that everyone in the Republic is protected, regardless of origin, belief or religion. This freedom of conscience is guaranteed by the secularism underpinning our Republic.”

A politician named the three soldiers killed by Merah before he attacked students, “Three men who had chosen to serve their homeland and who fell because they were wearing the uniform of our army.”

Concluding his speech, Hollande said that on “1 November in France is the day we celebrate the dead. 1 November will also be synonymous with our gathering here at this school, Ohr Torah, which is a symbol: a symbol of suffering, inconsolable suffering, but at the same time, a symbol of hope, of unwavering hope. It is this suffering that will lead us to act yet again with strength and vigilance, and it is this hope that France will be worthy of, with you, in the years to come.”³²

On September 13, 2012, Prime Minister of France Jean-Marc Ayrault reported on the “Programme of Action,” which would be used in education to combat racism and anti-Semitism in the country.

In his speech at the opening ceremony of a new monument, in Camp Des Milles in Aix-en-Provence, Prime Minister Ayrault said that he would meet the inter-ministerial commission in the near future to discuss this project.

“The project will be primarily based on the education and the desire to fight against alien prejudices and other opinions that are rooted in a certain mentality, which are recently reviving bad trends,” Ayrault said. “Nobody will be able to deny the fact of the resurgence of anti-Semitic and racist behaviour.”

Ayrault stated that he was “baffled” by the bulletin published by a French writer Richard Millet, which justifies the crimes of a Norwegian murderer Anders Behring Breivik.³³

On September 24 in Poitiers (the main city of the French department of Vienne), activists of a French radical right Party Génération Identitaire (GI) deployed an offensive to Muslims banner on the roof of the unfinished city mosque.

According to one of the extremists, Poitiers was chosen for this action as a symbol of “Christian history of France.” This created a powerful response in the community with the majority of political and public figures believing it qualified as a manifestation of Islamophobia. French Prime Minister Jean-Marc Ayrault stated that manifestations of religious hatred are unacceptable and contrary to the laws and values of the French Republic. Minister of the Interior Manuel Valls also condemned the French activists’ action, stressing that the French government will always negatively react to such manifestations of intolerance, and guarantees religious freedom to all.³⁴

In October 2012, Jean-Francois Cope, one of the leaders of the party “Union for a Popular Movement” (UMP) and a close ally of former President Nicolas Sarkozy, published a “Manifesto for an Uninhibited Right.” He openly spoke about the issue of racial discrimination against the white population, which the native French regularly face in the troubled neighbourhoods of large cities, suburban areas where there is a high concentration of Arabs and other immigrants.³⁵

On December 12, it was reported that the French Minister of Justice Christiane Taubira sent a request to the European Parliament, demanding to deprive Marine Le Pen, the leader of the French ultra-right party National Front (NF), of parliamentary immunity, in connection with the investigation about Islamophobic statements, conducted against Le Pen by the Lyon prosecutor’s office since January 2011.

On December 17, Mayor Bernard Puanyan stated that he is astonished with by the shameful act of unknown vandals that desecrated a mosque, and promised to promote an effective investigation of this case.³⁶

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
	Total for section 4	5

5. Activities aimed at promoting tolerance and preventing extremism

After the Toulouse terrorist attack, France saw several mass protests participated by approximately 6.5 thousand people altogether. The main events took place in Paris, Lyon and Toulouse.

The terrorist attacks in Toulouse and Sarcelles united the members of monotheistic religions in France. Representatives of Christian, Jewish and Muslim communities strongly condemned the terrorist attacks, calling them “acts of cowards.” They also appealed to the people of the country asking them “not to stigmatise Islam.”³⁷

Accusations of the European Committee on Social Rights and the critical situation of the Roma in France led to the establishment of a circular letter dated 26 August 2012, addressed to the government.³⁸ The letter proposed a possible mode of action to stop unauthorised evictions (such as the use of state support or participation of local stakeholders).

In its official response on November 20, 2012, the French government reported that deportation was exercised on legal grounds. If the relevant authorities considered individual circumstances of the stakeholders, the Administrative Court would have made a different decision, and deportations would not have happened. Until now, France has had no experience of mass deportation of immigrants. The circular letter of August 26, 2012, had the desired effect on the French government. As a result, on 1 October 2012, access for migrant workers from Romania and Bulgaria has been relieved. The list of free vacancies had increased from 150 to 261. France is also working on the creation of multidimensional work plans. The first meeting between the Prime Minister and the Ministerial delegates was scheduled for the end of 2012.³⁹

In late November, the International League against Racism and Anti-Semitism (LICRA) addressed the French Ministry of Education with an appeal to discuss the fate of teachers who are unable to work properly because of their religious beliefs.

On December 21, a short protest rally was held near a synagogue in Paris, which was a victim of attempted arson. Around a hundred people, including representatives of the municipality, rabbis and Muslim clerics condemned the arson of the religious Jewish temple. The Rabbi of the synagogue Shneur Lyubchik stated that anti-Semites will not be able to intimidate the Jewish community. “None of the Jews will leave the area because of hostile attacks. We will continue to regularly collect a minyan for prayers in the synagogue,” rabbi stated.⁴⁰

On October 9–11, the First General Assembly of the International Human Rights Movement “World Without Nazism” took place in Strasbourg, participated by 153 delegates from 24 countries. Most delegates represented the antifascist human rights organisations from the post-Soviet countries, as well as the European Union. General Assembly delegates received welcoming letters from the presidents of France, Russia and Ukraine, as well as the president of the European Parliament Martin Schulz. Prominent public activists took part in the forum; the first President of Ukraine Leonid Kravchuk, who headed the regional office of the Movement “Ukraine Without Nazism,” third President of Moldova, current leader of the parliamentary opposition Vladimir Voronin (elected as the member of the Movement’s presidium), Director of the Council of Europe Department of Democracy Claudia Luciani, leaders of religious organisations, prominent human rights activists, including members of Helsinki groups from various countries, and others.

The Assembly adopted a programme of the international human rights movement that listed the main causes of the revival of Nazism in Europe, a systemic crisis of traditional nation, state, which is based on ethnic cultural tradition of the titular nation, and the economic crisis. The main aims of the movement were also declared, a world without Nazism, hate and discrimination, as well as the preservation of the post-war world order, preventing revision of history and the decision of the Nuremberg Tribunal. In addition, the organisation’s programme defines the mission of “World Without Nazism,” prevention of a relapse to Nazism by countering the spread of radical nationalist ideas and practices, as well as countering the influence of neo-Nazi organisations in the modern community.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Activities aimed at promoting tolerance and preventing extremism	5
	Total for section 5	5

6. Status of migrants and society's attitude towards immigrants, foreigners, different ethnic groups

Indicators

- Presence and improvement of migration laws.

During the studied period, more than 500 million people resided in the European Union, of which 40 million were born outside of these countries. 6.5 million of these people resided in France during the monitored period.

European legislation provides for two approaches regarding foreigners. The first concerns EU citizens. Basic provisions of the freedom of movement of these persons are laid down in the founding agreements and in the EU Directive 2004/38⁴¹ on freedom of movement. This Directive clarifies the essence of the fundamental right of EU citizens to free movement and establishes appropriate restrictions of this right on the grounds of public order, public security or public health. This is a fundamental right for every citizen of the European Union, as it allows free movement and choice of residence in accordance with the best living conditions. It also provides for a choice of work, regardless of nationality and the original place of residence.

Freedom of movement of workers, as one of the components of freedom of movement, consists of the employee's ability to accept employer's job offers, freely move within the EU for employment, remain in the territory of the EU member state during and after employment.

The Regulation 562/2006 of the European Parliament and the Council of Europe, dated 15 March 2006, approving the Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) governs the entry, exit and movement of non-EU citizens. Some of the EU member states (United Kingdom and the Republic of Ireland) are not part of the Schengen area, but do have the right to free movement within the EU. Some countries (Iceland, Liechtenstein, Norway, Switzerland) are not part of the EU, but are still included in the Schengen area.

More than 30 countries do not require an entry visa to the Schengen territory. Others, especially the Third World countries and CIS countries, must obtain a visa to enter.

In accordance with above-mentioned regulations, for stays not exceeding three months per six-month period, non-EU citizens must possess; a valid travel document; a valid visa, if required; justify the purpose of the intended stay and have sufficient means of subsistence; not be a person with an issued refusal of entry warning, under the Schengen Information System (SIS); not be regarded as a threat to public policy, internal security and public health or the international relations

of the Member States. If these conditions are not met, entry into the territory is refused, with the exception of special circumstances (such as humanitarian reasons).

To be eligible for employment in France, foreigners must receive a work permit from a particular employer, who, in turn, has to submit a request to the local Department of Labour and Employment. The selection criteria include job-seeker's professional skills and the demand for his specialisation on the labour market. According to French legislation, the job should first be offered to the French citizen first. If nobody among the French citizens is willing to take the job, it can then be offered to a foreign national. EU citizens do not need a work permit for employment in other countries.

In 2006, France brought its legislation in line with the European migration norms. In particular, France adopted the law 2006-911 "On migration and integration" of 24 July 2006.⁴²

According to this law, the French migration policy is guided by the strategy of "selective immigration" — so-called *immigration choisie* — and is covered by three points:

1. Selective policy regarding the accepted immigrants
2. mandatory integration for long-term residents
3. "co-development".

The most complete representation of the significance of the modern French immigration legislation, as well as its interpretation, is reflected in the words of President Nicolas Sarkozy at the Parliament, during the introduction of this law in 2006:

"Before an immigrant enters the country, regardless of the reason — education, family reunification, and other — the Republic will decide whether it will welcome him."⁴³

The selective immigration policy is based on the introduction of immigrant's competence card — *carte competences et talents*. Holder of this card, according to Article 15 of the Law, will carry out their labour activities in their chosen field. In essence, this card is designed to ease the entry requirement for skilled specialists, scientists and professionals that are in demand on the Republic's labour market.

The second important element of the French immigration policy is the binding agreement on integration, *contract d'accueil et d'intégration*, which, according to Article L311-9 of the Law, obliges resident immigrants, as well as those entering the country for the first time, to make every effort to integrate into the host society, become a member of any public education (church choir, football team, etc.) and master the language to the level required by law.

However, the language requirements have been challenged by the European Court of Justice in June 2011.⁴⁴ The Court ruled that "Article 7, paragraph 2 of the EU Directive on Family Reunification does not

allow a ban on a family member of a citizen of a third country, lawfully residing/staying in the EU territory, to enter the Union territory solely on the ground that he did not pass the integration and/or language test, which according to national legislation is a prerequisite for obtaining an entry permit to the country.” After this, France was forced to bring its legislation in line with this Directive.

Nevertheless, between 2006 and 2012, the French immigration legislation was amended 4 times with the intention of tightening it. A DNA test was introduced for those wishing to be reunited with their families. Amendments also provided for an opportunity for the expulsion of former foreigners that have been granted citizenship through naturalisation. Measures against illegal immigrants were also tightened.

Under the influence of the European Convention on Human Rights and Fundamental Freedoms and the decisions of the European Court of Human Rights (ECHR), France was also forced to transform its migration legislation to give priority to “individual interests” of long-term residents before the interests of state, in terms of expulsion/deportation from the country. Thus, the expulsion of a “second generation” immigrant is deemed illegal, even in the case of serious violations of the country’s law on his part.⁴⁵

On May 25, 2009, Directive 2009/50/EC introducing a “blue card” came into force in the European Union. The Directive was designed to regulate the employment of highly skilled specialists from third countries within the EU.⁴⁶

The “Blue Card” facilitates access to the EU labour market for skilled workers, and gives them a range of social and cultural rights, as well as favourable conditions for family reunification and movement in the EU. Directive 2009/50 defines the general criteria for EU member states, and reserves the state’s right to determine more favourable conditions for skilled immigrants in its national legislation. After 18 months of legal residence in the EU member state, the “blue card” owner, as well as his/her family, under certain conditions, has the right to move to the territory of another EU member state for the purpose of skilled employment.

Under the provisions of the Directive, Blue Card holders enjoy the same rights as citizens of the EU member state in the following areas: working conditions, particularly wages and dismissal; freedom of association; education, training and recognition of qualifications; a number of conditions in the national legislation of the receiving state in respect of social security and benefits; access to goods and services, including support in obtaining housing, information and consultations; free access to the entire territory of the receiving state.

French legislation devotes much attention to refugee issues. The French Constitution guarantees the right to asylum for citizens of all

countries, who fear persecution in their homeland. A person recognised as a refugee receives a 10-year residence permit, which includes the full scope of social rights. The legal status of a refugee recognised by the French Office for the Protection of Refugees and Apatrides (stateless persons), applies to two categories of individuals, as annexed to the Geneva Convention of 28 July 1951:

— The first category includes all persons who meet the requirement of Article 1 of the Geneva Convention from 28 July 1951 regarding refugee status. In accordance with this Article, the refugee status may be granted to a person subjected to violence or persecution on racial grounds, nationality, religion, language, as well as affiliation to a certain social group and political views, due to which the person under threat of life is forced to leave the country of residence and immigrate.

— The second category includes all persons persecuted for their activities in the struggle for freedom (according to the law of 11 May 1998, Article 29).

In total, around 20,000 people apply for a refugee status in France every year. These are mainly natives of Asia and Africa.

There is also a number of EU Directives on refugees, which dictate the provisions for legislation of the EU countries, including France. These are: Council Directive 2003/9/EC of 27 January 2003 providing for minimum standards for the reception of asylum seekers; Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or persons in need of some form of international protection and the content of the protection granted; Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status. In addition, there are five PACE resolutions on refugees.

Nevertheless, despite all efforts to introduce a Common European Asylum System (CEAS) before the end of 2012, migrants and asylum seekers continue to suffer from legal gaps related to obtaining asylum and poor reception conditions and immigration detention, including in the case of unaccompanied children.

By the end of 2012, a coherent approach to Syrian refugees had yet to be developed, with different EU member states offering different levels of protection.

- Authorities' compliance with such legislation (law enforcement practice).

Between 2010 and 2012, there have been a number of large cases of French authorities' non-compliance with the legislation regarding Roma — citizens of the EU (15–20 thousand people). The situation di-

rectly related to the practical application of the principle of freedom of movement within the EU.

Roma are the largest ethnic minority group in the European Union. They reside in various parts of the EU in small groups. According to the European Commission, they amount to 11 million people altogether. The expansion of the European Union leads to many Eastern European Roma (Romania, Bulgaria, Czech Republic) moving to the West, since the social and economic conditions of Western Europe is significantly above the recently joined Eastern European countries.

In accordance with the acting legislation of that time, foreigners, including from EU countries, were allowed to legally reside in the country for no longer than 3 months, a stay longer than that was only allowed with employment. At the same time, the consideration of employment applications takes from 6 to 9 months. As a result, France launched procedures for the expulsion of Roma, despite their EU citizenship. In 2012, the expulsion of Roma was most actively carried out in Lyon and a number of other cities between August and October. These measures, according to French officials, were necessary to maintain public order and security of citizens.

This approach to solving the problems of ethnic minority groups does not correspond to the EU social policy and the norms on freedom of movement within the EU. Official Brussels threatened France with litigation for not carrying out the procedures for the harmonisation of European legislation on the freedom of movement, which is the root cause for the Roma expulsions in France. European Commission reminded that the citizen's right to free movement within the EU is one of the fundamental principles of the EU law.

France, in turn, assured the European Commission that its requirements will be met — legislation will be brought into compliance as soon as possible. In the end, even though the French government announced that deportations were carried out on legal grounds, the authorities had to make concessions — from October 1, 2012, access for migrant workers from Romania and Bulgaria has been facilitated. The list of available vacancies had increased from 150 to 261.

Nevertheless, these facts of mass deportations of EU citizens, especially of a certain ethnic group, suggest that the French immigration legislation was complied with large violations of EU norms.

- Discriminatory practices against immigrants.

Based on the above, it can be concluded that in 2012, there were discriminatory practices against immigrants in France — particularly, the ethnic Roma, who are also EU citizens.

In 2012, French government eliminated a number of old discriminatory practices against immigrants by the decision of the European

Court of Human Rights. Governmental circulaire of July 2012 prohibits the detention of families with children for the purposes of deportation. The only exception is the families who do not meet the requirements of mandatory stay at a particular address or if at least one of its members is hiding from the authorities.

In February 2012, ECHR declared the practice of accelerated refugee status consideration without the right of appeal as illegal, since it does not guarantee protection from returning to unsafe conditions.

- Use of the “ethnic crime” theme in order to discriminate against immigrants.

The topic of ethnic crime was actively used by the candidate from the French National Front Marine Le Pen in her election campaign (see above). The same topic was used by the general secretary of the oppositional French conservative party “Union for a Popular Movement” Jean-Francois Cope, who published the “Manifesto of an Uninhibited Right” in 2012, where he first brought up the topic of immigrant racist attacks against the white French residents.

- Social assistance for immigrants.

France has a series of laws regulating the social assistance for immigrants. These are: Law 2006-396 of 31 March 2006 on equal opportunities, Law 2006-872 of 13 July 2006 on the national commitments in the field of housing, Law 2006-911 of 24 July 2006 on Immigration and Integration, Law 2007-290 of 5 March 2007 on the right to housing with the possibility of legal protection and on the various measures to promote social cohesion, and several others.

Since 2009, the main EU directive regulating the social assistance to migrant workers is the Blue Card Directive No. 2009/50/EC

In general, the French social policy, until recently, has been one of the most developed in the EU, although certain violations were recording during the Roma expulsions in 2012. These violations were related to the size of benefits for the expelled EU citizens, as well as the lack of social security. The problem also included the inability to receive a permanent residence address, without which Roma children could not attend school.

At the same time, in December 2012, French Minister of the Interior Manuel Valls announced the significant changes to immigration policy in the future after the meeting of the National Office for Immigration and Integration. The state will significantly reduce the financial benefits for immigrants. Thus, the benefits for French immigrants will be reduced by 83%. The compensations to immigrants who want to return to their homeland will also be reduced — if, for these purposes, the stated paid 300 euros to every adult and 100 euros for every minor,

from March 2013 these amounts are reduced to 50 and 30 euros respectively.

One of the main provisions of the new immigration rules in France is the reduction of unemployment benefits. New rules condemn immigrants who do not want to pay government taxes, and whose main aim is to exist on the French taxpayer's money. Currently, migrant EU citizens receive around 2,000 euros allowance and 1,000 euros as child benefits.

According to Valls, the new changes will reduce these benefits to 500 and 200 euros respectively.⁴⁷

- Negative attitudes towards immigrants, foreigners, different ethnic groups.

In cooperation with the State Information Service, the National Commission for Human Rights conducted a public opinion poll on the topic of increasing immigration.⁴⁸ Between December 6th and 12th, 2012, 1,029 adult citizens permanently residing in France were interviewed. The complete results of the survey were published in the media. The survey revealed that almost all respondents (94%) believe that “foreigners coming to France must adopt the French lifestyle.”⁴⁹ The majority of respondents (69% compared to 59% in 2011), agreed with a statement that “there are currently too many foreign citizens in France.”⁵⁰ 73% of respondents came to the conclusion that “many immigrants come to France to exploit the social security system.”⁵¹ 56% of respondents agreed that the French integration policy is ineffective.⁵²

The survey also showed that the majority of French citizens are opposed to the three main categories of citizens, Muslims, “migrant nomads” and Roma. In terms of percentage, the survey reflected the following: 77% of respondents were opposed to Roma, 74% were against “migrant nomads” and 55% were against Muslims.⁵³ Only 22% of respondents spoke positively of Islam, 44% — of Catholicism, 34% — of Judaism. 77% of respondents spoke against the wearing of hijab headscarves.⁵⁴

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence and improvement of immigration laws	5
×	Authorities' compliance with such legislation (law enforcement practice)	2.5
×	Discriminatory practices against immigrants	-5
×	Use of the “ethnic crime” theme in order to discriminate against immigrants	-5

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Social assistance for immigrants	5
×	Negative attitude of the society towards immigrants, foreigners, various ethnic groups	-5
	Total for section 6	-2.5

7. Incitement of religious and ethnic hatred

Indicators

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

The number of such calls to hatred has been recorded in 2012, including those of a provocative nature. Some of them are listed below:

Observers regard the publication of Prophet Muhammad cartoon in *Charlie Hebdo* magazine in 2012 as an indirect call to religious hatred. The notorious film “Innocence of Muslims” can also be attributed to this category, since it provoked the followers of Islam around the world to take radical actions.

On the 11th anniversary of the 9/11 attacks, “Al Qaeda in the Islamic Maghreb” issued a press release where it threatened France with the killing of hostages and other response actions if Paris would decide to support military intervention to northern Mali.

In October, France deported Imam Mohamed Hammami, who repeatedly made anti-Semitic statements and called for a “holy war against the infidels.”

In mid-November, anti-Semitic graffiti was found in Vassy, stating: “Bin Laden lives,” “Hail Mohammad Merah,” “All Jews — to the ovens,” as well as “Hollande is a dirty Jew.”

In early November, an inscription “Death to Jews” appeared on a synagogue in Pantin (France). On November 17, anti-Semitic graffiti was found on the buildings in Caluire-and-Cuire (France). Anti-Semitic and pro-Palestinian slogans were also drawn on the buildings in Nelly-sur-Seine on the night of October 22–23.

On December 1, in the Paris suburb of Sarcelles, unknown vandals sprayed a huge Nazi swastika on the door of a pizza restaurant, owned by a Jewish family which was located near a synagogue. On the same day, graffiti was found in the eastern part of Paris, Orgeval, which

praised Mohammad Merah, who killed Jewish school students and a rabbi in Toulouse, as well as calls to free Youssouf Fofana, who is serving a sentence for the murder of a Jewish man Ilan Halimi.

- Presence and popularity of radical nationalist literature, films, music Ultra-nationalist rock bands and their concerts.

Such facts were not recorded by the monitoring in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti	-5
-	Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts	0
	Total for section 7	-5

8. Radical nationalist groups and parties

Indicators

- Presence of neo-Nazi and radical nationalist groups, movements and political parties (centrally and locally).

There exist two main prominent radical nationalist parties in France, the National Front, led by Marine Le Pen and the National Republican Movement, which split from it in 1998.

The National Front is the oldest nationalist party in the country (created in 1972). Its main demands include cessation of further immigration from non-European countries and the tightening of requirements for obtaining French citizenship; return to traditional values; restricting abortions, promotion of large families, preservation of the French culture; protectionist policies, support for French manufacturers, and small businesses; countering the process of European integration, greater degree of independence from the EU and international organisations.

National Front also advocated such radical projects as the tax on companies profiting from the use of foreign labour force, and the introduction of the “national preference principle,” which implies dismissal of immigrants who would free vacancies for the citizens.

The party achieved the greatest success in the National Assembly elections in 1986 (35 seats) and the European Parliament in 1984

(10 seats). At the 2012 parliamentary elections, the party got 2 seats in the French parliament. The Party also achieved apparent success in the 2002 presidential elections, when its candidate Jean-Marie Le Pen passed to the second round, gaining 16.86% of votes, as well as in 2012, when his successor Marine Le Pen came third.

The party also claimed third place in the 2011 municipal elections, gaining 10% of the votes altogether.

The National Republican Movement split from the National Front because of disagreements between the leader of the National Front Jean-Marie Le Pen and the politician Bruno Mégret. The NRM received under 5% of votes at 2002 and 2004 elections.

Even though political observers consider the National Republican Movement as a radical right wing party, they position themselves as a traditional liberal and nationalist party. NRM opposes immigration, Islamisation and the European Union, but, unlike the National Front, supports free market and neo-Liberalism.

In the past, Bruno Mégret tried to distance himself from Le Pen's provocative statements, particularly concerning the alleged Holocaust denial.

In the French Muslim community, there are supporters of Islamism, who try to exploit Islam for political purposes, as well as adherents of neo-fundamentalism, whose aim is to unite all current Islamic organisations into a single Muslim community under their leadership. Such movements are characterised by the rejection of European values and refusal to integrate. Representatives of neo-fundamentalism are also adherents of "communitarism," i.e. a movement for establishing regions densely populated by Muslims, the so-called commune zones, with acting Muslim traditions and Sharia laws.

There are also followers of radical Islamism, acting as a semi-underground, often led by the self-proclaimed imams in unofficial mosques or prayer houses, the so-called "suburban and garage Islam." France also has supporters of the Muslim Brotherhood association.

There is a whole number of anti-Islam (anti-immigrant) radical groups, including *Renouveau français* (French renewal), which positions itself as a nationalist, Catholic and "anti-revolutionary" (in this case, as a reactionary opposition to the principles of the French revolution of 1789) organisation. Another such organisation is the "Nationalist Youth," banned in 2013 for promotion of hate, as well as *Génération identitaire* (Generation with national identity), which desecrated a mosque in Poitiers in October 2012. It is also worth mentioning that organisations such as the "Republican Resistance," *Riposte Laïque* ("Secular Resistance"), "Bloc identitaire," "Third way," "Equality and Reconciliation," "New Right," the "Southern League" and others.

- Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.

In her statements, leader of the ultra-right Marine Le Pen demanded the assimilation of immigrants, particularly Muslims, and demanded a ban on the wearing of Jewish kippahs. In one of her speeches, she compared Muslims praying on the streets of French cities with Nazi occupants, for which the European Parliament has deprived her of parliamentary immunity. Programmes of Islamophobic organisations also contain anti-Islamic demands. These organisations often position themselves as antifascist, considering Islamists and all Muslims as fascists.

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.

Given the high level of Islamophobia, anti-Semitism, as well as the activity of radical Islamists in France, it can be argued that radicals have a significant influence on society.

- Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.

Currently, nationalists possess 10% votes from the 2011 elections to local authorities, which indicates the limited influence these parties have over the local governments.

- Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.

In 2012, nationalists were in possession of 2 seats at the French National Assembly, which indicates the absence of any real influence in the government.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities)	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities	-5
×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations	-5

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies	-2.5
-	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies	0
	Total for section 8	-17.5

9. Extremist and radical nationalist public actions

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

In September 2012, around 60 activists of the *Génération identitaire* movement rallied around the mosque in Poitiers, where they disrupted a service by climbing onto the roof of the building and hanging a huge banner saying “732, Génération identitaire,” referring to the date when the French King Charles Martel defeated the Saracens army north of Poitiers, halting the Muslim expansion in the Western Europe. There was also a slogan “Immigration and construction of mosques — to referendum,” and the organisation’s website posted a statement saying, “We do not want any more immigration from beyond Europe, nor the construction of mosques on French land.”

Around 30 police officers immediately arrived at the mosque and entered into negotiations with the protesters. By noon, they had agreed to leave the building. The republic’s prosecutor announced the investigation of articles deemed “unauthorised demonstrations, propaganda of racial hatred and assembly with the aim of damaging the building.”

On September 28, several dozen members of the neo-Nazi group “Nationalist Youth,” which was not been banned at the time, arranged an unsanctioned demonstration against the so-called “racism against whites” in Paris, led by its leader Alexandre Gabriac. Paris Prefecture prohibited this action, referring to similar experiences of such demonstrations in Lyon, Toulouse, Perpignan, Bordeaux and Nice in the past, where demonstrators made numerous racial attacks. The demonstration was broken up by the authorities, and several people were detained.⁵⁵

It is also worth mentioning the unauthorised Muslim actions against the film “Innocence of Muslims.”

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

A non-governmental organisation “Republican Resistance” held a demonstration in Paris on November 10, under the slogan “Islamic fascism will not pass.”

The demonstration saw around 2.5 thousand people congregate. They protested against the use of Sharia laws in France and demanded the acquittal of two official representatives of *Riposte Laïque* (Secular resistance), who were sentenced to a fine for inciting hatred towards Muslims. Demonstrators chanted La Marseillaise and shouted “UOIF [Union of Islamic Organisations in France], Muslim Brotherhood and Salafis are all racist, fascists, throw them in the trash.”⁵⁶

On November 17 and 18, France had a wave of mass demonstrations against the legalisation of same-sex marriages, led by representatives of religious organisations (Catholic church, Muslim and Jewish communities). In Paris alone, the November 17th demonstration gathered more than 70,000 people, according to official figures. They chanted “One dad, one mom for all children” and “No to homo-insanity.”

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

Such events were not recorded in 2012.

- Presence of “football xenophobia” and racism amongst sports fans.

It is impossible to say that football racism was characteristic of France in 2012. Nevertheless, there was a controversial event in April, when the French forward Bafétimbi Gomis reported that he was subjected to racist antics of “Ajaccio” fans, when his “Lyon” beat their team 4–0 in the French Cup semi-finals. “After my goal, I put my hands behind my ears because I had heard monkey noises during the game,” Gomis stated, “I even had a banana thrown at me.”

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities	–5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities	–5

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies	0
–/×	Presence of “football xenophobia” and racism amongst sports fans	–2.5
	Total for section 9	–12.5

10. Racist attacks, violence and terror

Indicators

- Vandalism in cemeteries, attacks on religious buildings.

In 2012, 543 cases of vandalism in the form of defacing the facades of Christian churches were reported. More than 84 incidents involved the desecration of Muslim places of Worship.⁵⁷ About 40 cases occurred at Jewish places of worship. The most glaring case of desecration of Christian believers occurred on the night of April 28, 2012, at the Saint-Just-Saint-Rambert cemetery (Loire), where 89 gravestones were defaced with paint and Satanist graffiti.⁵⁸ 84 such cases happened in the mosque (83) and on the cemetery (1).

On April 29, 2012, ten Muslim graves of the Carros cemetery (Alpes-Maritimes) had a swastika drawn on them with nationalistic graffiti demanding “Arabs, get out,” also the cemetery walls were demarked with “Live here.” Another incident happened on 1st of August 2012. An Unknown vandal planted two pig heads at the entrance to the mosque in Montauban (Tarn-et-Garonne).⁵⁹ Pig heads are often used to discriminate against Muslims, since Islam forbids eating pork.

Despite the obvious growth in crime motivated by anti-Semitism, there is an apparent decrease in cases of desecration of Jewish places of worship (by 40 cases). In 2009, the number of such incidents was 66. Most notable incidents happened on 6 August 2012 in Paris and on 12 November 2012 in Champagne-au-Mont-d’Or (Rontalon). Synagogues in 19 Parisian suburbs were subjected to graffiti saying, “Jews, Die!” and “Seig Heil,” accompanied by a black swastika. In Champagne-

au-Mont-d'Or, Jewish cemetery became the main target of arsonists, resulting in the destruction of buildings located on its territory. Jewish religious texts were also burned.⁶⁰

- Inter-ethnic clashes instigated by xenophobia and radical nationalism.

Monitoring did not record any cases of inter-ethnic clashes in 2012.

- Cases of violence, including murder on racial, ethnic and religious grounds, including terrorist attacks on the basis of radical nationalism and religious fanaticism.

French Ministry of the Interior published the statistics of crimes motivated by racism, xenophobia, anti-Semitism and anti-Islamism in France in the annual NHRC report. Crimes were divided into three categories: “proactive” (fights, assaults, etc.), cases endangering life, and desecration of places of worship. Almost all categories have seen a dramatic increase in the number of offenses since 2011.

Even though the number of racist attacks fell by 11% (from 132 cases in 2011 to 118 in 2012), the number of reports about life threats increased to 606, which is 5% more than in 2011 (578 cases),⁶¹ that is 60 threats per month, excluding cases in March (95) and May (93). Rapid increases in the number of attacks during these months were related to the “Mohammed Merah case,” and possibly the upcoming presidential elections. One thing is certain: anti-Semitic and anti-Islamic attacks drastically increased.

A separate category of offenses motivated by anti-Islamism was only recently established. Nevertheless, this category also saw a significant increase of such incidents compared to the previous years. 58,148 cases were recorded in 2012, compared to 38,117 cases in 2011. Therefore, the number of such offences has increased by 30%. This can be explained with the following: the so-called “Mohammed Merah case” was taking place in March and April,⁶² the scandalous film “Innocence of Muslims” was released in September-October, at the same time, *Charlie Hebdo* daily satirical magazine published cartoons about Muslims and Prophet Muhammad (September 19, 2012).⁶³

The increase in attacks motivated by anti-Semitism is becoming particularly frightening. Despite the fact that such incidents have already become a global trend, the level of violence in France reached new limits in 2012: 4 cases of anti-Semitic attacks resulted in fatalities. Furthermore, 177 cases of anti-Semitic attacks were recorded in 2012, compared to 129 in 2011, where there was a noticeable increase of 37%. The number of anti-Semitic threats also grew from 260 to 437, which is a 59% increase.⁶⁴

Cases recorded in Toulouse (March 19, 2012) and Sarcelles (September 19, 2012) occupy a special position in the series of crimes, due to their particular cruelty.

In March 2012, Mohammed Merah, born in a family of immigrants from Algeria, killed 7 people in Toulouse and Montauban (Midi-Pyrénées region). Mohammed first approached his first victim, a French soldier, online. He arranged to meet with him under the pretext of a fictional motorcycle sale. Having lured his victim to a meeting on March 11, 2012, Merah shot him. On March 15, 2012, he further attacked other soldiers in a premeditated fashion. Two men died from gunshot wounds, and the third was seriously wounded.

On March 19, 2012, Merah changed his method of operation. He drove his scooter into the territory of an Orthodox Jewish college “Ozar Torah” in Toulouse. Just before the start of classes, Merah opened fire on the passers-by. As a result, four people died of wounds, three children and a teacher. Several students received serious injuries. Merah managed to flee the scene.

On March 22, 2012, after a 32-hour siege at Merah’s apartment, police shot him during his attempted escape from his own apartment through the window.⁶⁵

The day before his shoot-out with police on March 21st, Merah told the editors of “France 24” that all his murders were video-recorded and that he now can die in peace, with a blissful smile on his face, as he had done his duty.

On July 8, 2012, a record that Merah prepared before his death was broadcasted.⁶⁶ There, Merah states that he is a member of Al Qaeda and that his mission is to destroy the unworthy. He deliberately planned to kill Jewish children as revenge for the deaths of Palestinian children. Furthermore, the murder of children, according to his plan, was supposed to have an effect of a bomb, much more effective than the murder of soldiers and civilians.⁶⁷ French authorities, watching him for many years, also confirmed that Mohammed was indeed visiting Taliban training centres. However, his direct connection with Al Qaeda was never confirmed, which is why the French authorities consider him as a “lone criminal.”⁶⁸

Six months later, on September 19, 2012, two unidentified men threw an “explosive object” into a supermarket in Sarcelles. Despite the large explosion, there were no casualties, although, one person was injured⁶⁹.

One of the attackers was killed during a shootout with the police. His fingerprints were then found on the fragments of the explosive device. Later, prosecutors stated that he was a Muslim, probably a member of “Jihad” group.⁷⁰ There were also suggestions that the perpetrator specifically chose this day, since the murders in Sarcelles and Toulouse

happened not long before that. This was also when *Charlie Hebdo* published cartoons on Prophet Muhammad.

Due to a wide coverage of such events in the media, the level of public awareness on such attacks has increased.⁷¹ The two tragedies in Toulouse and Sarcelles inspired criminals to commit the subsequent attacks. During the first ten days after the Toulouse events, 90 attacks against Jews were committed and another 28 incidents were reported a week after the arson in Sarcelles.⁷²

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Vandalism in cemeteries, attacks on religious buildings	-5
-	Inter-ethnic clashes instigated by xenophobia and radical nationalism	0
×	Cases of violence, including murder on racial, ethnic and religious grounds	-5
×	Cases of hate crimes	-5
×	Terrorist attacks on the basis of radical nationalism and religious fanaticism	-5
	Total for section 10	-20

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

Among the anti-racist and antifascist organisations of France, it is worth pointing out the oldest International League against Racism and Anti-Semitism (LICRA, 1926), as well as League of Human Rights (Ligue des Droits de l'Homme), Movement against Racism and for Friendship among Peoples (Mouvement contre le racisme et pour l'amitié entre les peuples), and the well-known international organisation SOS-Racisme, operating in France and Spain.

There is also a Jewish Students Union of France, French Association of Victims of Terrorism, European Network against nationalism, fascism and in support of migrants and refugees, and several others.

A number of political parties, such as the “Union for a Popular Movement” (UMP), Communist Party of France (PCF) and the Socialist Party of France (PS), have strict anti-racist and anti-discrimination demands in their programmes.

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

In 2012, a whole number of anti-racist actions were recorded in France. The most notable events are listed below:

Mass gatherings were held on March 24 in protest against racism and anti-Semitism, and commemorating the victims of the “Toulouse terrorist,” Mohammed Merah, who murdered seven people between March 11th and March 19th. These events gathered more than 6.5 thousand people. Rallies were organised by the leading anti-racist organisations of France — International League against Racism and Anti-Semitism, SOS-Racisme and others.

The largest protest actions happened in Paris and Lyon; the latter event was participated by the city Mayor Gerard Colom. On this day, members of the Jewish community gathered in front of the Ozar Hatorah School in Toulouse, to commemorate the killed children and the teacher. A demonstration was also held in the city, gathering around 1 thousand people — Jews and Muslims. Around 300 people came into Strasbourg synagogue, where they lit seven candles — number of the terrorist’s victims.

Three days earlier, processions against colonialism, racism and Islamophobia in politics were held in Paris, a month before the first round of presidential elections. According to their organisers, processions were caused by the fact that some candidates deliberately play the immigration card in order to blame immigrants for the economic crisis.⁷³

In September, after nationalists disrupted the service in the Poitiers mosque, representatives of the Catholic diocese visited the mosque on the next day to express solidarity to the Muslim community.

In late November 2012, the International League against Racism and Anti-Semitism (LICRA) supported French teachers who could not fulfil their duties due to their religious affiliations.

In December, a rally against anti-Semitism was held in Paris near the synagogue, which was the victim of attempted arson by anti-Semites, attended by about a hundred people.

- Presence of anti-racist and anti-fascist civic initiatives.

Such facts were not recorded in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-racist and anti-Nazi movements and parties	5
×	Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations)	5
–	Presence of anti-racist and anti-fascist civic initiatives	0
	Total for section 11	10

12. Glorification of German National Socialism and collaborators of Nazi Germany

Indicators

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

Such facts were not recorded by the monitoring in 2012.

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

Such facts were not recorded by the monitoring in 2012.

- Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities.

Such facts were not recorded by the monitoring in 2012.

- Historical revisionism, Holocaust denial.

It cannot be said that such manifestations were characteristic to France in 2012. However, on June 15th, 2012, the most famous French Holocaust denier Roger Garaudy passed away at the age of 98. After his death, two Arab newspapers published excerpts of Garaudy's works with laudatory odes ("An-Nahar," June 16, 2012, and "Al-Hayat Al-Jadida, June 25, 2012).⁷⁴

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition	0
–	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers	0
–	Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities	0
–/×	Historical revisionism, Holocaust denial	–2.5
	Total for section 12	–2.5

13. Persecution of veterans and partisans of the anti-Hitler coalition and anti-fascists

Indicators

- Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.

Such facts were not recorded by the monitoring in 2012.

- Restrictions on human rights and anti-fascist organisations imposed by the authorities, bans to entry or exit imposed on anti-fascists by the authorities, inaction of the authorities.

Such facts were not recorded by the monitoring in 2012.

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

Such facts were not recorded by the monitoring in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists	0
–	Restrictions on human rights and anti-fascist organisations imposed by the authorities, bans to entry or exit imposed on anti-fascists by the authorities, inaction of the authorities	0
–	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists	0
	Total for section 13	0

14. International aspect

Indicators

- Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities.

France has joined a number of international agreements against racism and discrimination. In particular, France signed the UN Declaration on the Elimination of All Forms of Racial Discrimination 1963 and the International Convention on the Elimination of All Forms of Racial Discrimination 1965. France also brought its legislation in line with the EU Directive 2000/43/EC “On the enforcement of the principle of equality of persons irrespective of racial or ethnic origin” (2000). In the same year, France signed Protocol No. 12 of the European Convention on Human Rights and Fundamental Freedoms, concerning the prevention of discrimination, and joined the European Union Charter of Human Rights under the Lisbon Treaty.

However, France has not ratified the European Charter for Regional or Minority Languages, since the Constitutional Council of the country considered it contrary to the French Constitution.⁷⁵ Most significantly, France has not joined the Framework Convention for the Protection of National Minorities, since the French government considers it contrary to the unification character of their national policy.

In addition, the French Republic acceded, albeit with *reservations*, to the International Covenant on Civil and Political Rights of the United

Nations, 1966, which was based on the Universal Declaration of Human Rights. In particular, France stated that Article 27, which talks about the rights of ethnic, religious and language minorities, “does not apply to the extent that affects the Republic.”⁷⁶

The principle of racial and ethnic non-discrimination is strictly enforced in France. Furthermore, the state tries to comply with the principle of representation in the government for various ethnic groups. Therefore, abandoning the rights of national minorities, the state strictly guards the compliance with the civil rights of their representatives. This affects the sphere of employment, including in government institutions and equal rights to education. However, this does not apply to the language policy, prohibition of assimilation, cultural preservation and identity of ethnic minorities, including the right of national minorities to create their educational institutions and other rights guaranteed by the Framework Convention for the Protection of National Minorities and the European Charter of Regional Languages.

Thus, while strictly enforcing the principle of racial non-discrimination, France has not acceded to the agreements that guarantee non-discrimination of ethnic minorities on the basis of an untrue assertion that these do not exist in France. Therefore, it can be argued that the country has only partially joined the most important international agreements against racism and discrimination of ethnic minorities.

- Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period.

During the monitored period, France has not joined any new international agreement or resolutions of UN or any other international organisations to combat Nazism, racial discrimination, protection of minorities, etc.

French representatives abstained during the vote at the UN General Assembly on December 20, 2012, on the Resolution A/RES/67/154 “glorification of Nazism: the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance,” proposed by Russia.

- International declarations and initiatives of the monitored countries and the leading politicians against discrimination, neo-Nazism and xenophobia.

In 2012, there were no international statements issued by the French government representatives or prominent politicians, aimed against discrimination, neo-Nazism or xenophobia.

PRESENCE OF CRITERIA	INDICATORS	SCORE
-/×	Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities	2.5
-	Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period	0
-	International declarations and initiatives of the monitored countries and the leading politicians against discrimination, neo-Nazism and xenophobia	0
	Total for section 14	2.5

CONCLUSION

Implications for the development of the country and society, based on the analysis of factors and taking into account the aspects listed below.

1. Human Rights

- *Guarantees for minorities against any form of discrimination.*

France does not recognise the presence of ethnic minorities on its territory, although it does guarantee its citizens protection against all forms of racial discrimination. In conditions where 10% of the population consists of ethnic minorities, as well as during the crisis of a traditional nation-state in Europe, when national minorities are becoming aware of their rights and refuse to assimilate. Such a policy cannot guarantee them against discrimination, which minorities themselves understand not only from the perspective of racial equality, but also in terms of the government's compliance with their rights of minority languages, establishment of minority educational institutions, guarantees of their cultural and religious rights. The fact that equal rights are granted to all persons and that all people are treated equally before the law, does not rule outright the existence of minorities in the country and their right to their culture, to practice religious cults and use lan-

guage with other members of the group. The UN Human Rights Commission, as well as the European Commission against Racism and Intolerance condemned France on that issue.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.)*

France has not signed and does not comply with the basic provisions of the Framework Convention for the Protection of National Minorities, which together with their refusal to ratify the European Charter of Regional Languages creates conditions for linguistic and cultural discrimination of ethnic minorities. However, it should be noted that despite the non-adherence to the Framework Convention, France does comply with some of its provisions, such as the use of minority languages in toponymy (particularly in Alsace). France's non-joining to these two fundamental documents is aimed at protecting the unified character of its language and national policy, which is largely aimed at the assimilation of minorities. However, in the context of globalisation, when migration processes are intensifying, as well as during an increase of minorities' national identity, who do not consider themselves French, this policy leads to a political dead end, only driving the issue in the corner.

- *Differentiation in rights and freedoms of the titular nation and ethnic minorities.*

Such differentiation exists and primarily concerns the rights of national minorities to use their mother tongue and to be educated using their mother tongue. These rights are provided in the International Covenant on Civil and Political Rights of the UN, the Framework Convention for the Protection of National Minorities and the European Charter of Regional and Minority Languages. Those international agreements, which France did not join or those that she ratified with reservations.

- *Legislation enshrining inequality of minorities.*

France has legislation promoting the discrimination of national minorities. Above all, this concerns the so-called "anti-hijab" law of 2010, the Abu-Picard law of 2001 on combating religious sects, the 2004 law banning religious symbols, and several others. Meanwhile, it is obvious that France's main problem is not in these laws, but in the country's policy, based on the idea of unification of all citizens within a single multi-racial French nation. The problem is in France's denial of the

presence of national minorities and the absence of legislation protecting the linguistic, cultural and religious rights of these minorities.

- *Rulemaking in protection of minorities.*

Such rulemaking did not take place in France in 2012.

- *Freedom of speech violations.*

Like most European countries, France is among the countries where the declaration of freedom of speech is adjacent to criminal prosecution for inciting hate and violence on ethnic, religious or racial grounds. Often, these rules are applied unjustifiably, or violations of freedom of speech and expression occur due to excessive tolerance.

Thus, in September 2012, the authorities banned the protests against the film “Innocence of Muslims” and the cartoons of Prophet Mohammed. Authorities justified this action with the commitment to freedom of speech, although both contained elements of xenophobia. At the same time, protests against these cases were explained with the need to curb the attacks on freedom of speech, though it is obvious that freedom of speech implies opportunity for expression of not just one part of the society, but also the possibility of the other part to react to this expression.

Furthermore, there were several cases of discrimination based on excessive tolerance in 2012. People were denied employment or created unbearable workplace conditions, because of their demonstration of their religious affiliation.

- *Legislation and law enforcement practices concerning migrants.*

France has well-developed migration legislation. However, it was grossly violated during the Roma deportation campaign in 2012, especially taking into account that the deported persons were EU citizens.

2. State of the society

- *Risk of violation or non-compliance with the acting laws directed at protecting the rights of minorities; risk of discriminatory practices against members of minorities.*

As aforementioned, the problem France has rest mostly in its political sphere, more specifically the government’s failure to recognise the presence of ethnic minorities. As a result, the country has practically no laws guaranteeing their rights, and France did not join the system of international agreements on the protection of national minorities.

The danger lies in the fact that due to globalisation and the intensifying migration flows, especially during economic recession, minorities themselves are unwilling to accept this. Their identity is substantially different from that which existed among immigrants of the 19th

and mid-20th century, although the government is trying hard to impose it on the minorities. Ethnic minorities already consider themselves as members of a separate group, which has its own cultural and religious interests and rights. They are no longer satisfied with the substitution of minority rights with human rights, including the protection from racial discrimination. They demand more for themselves.

These two different approaches create the conditions for public confrontation and weaken the society as a whole.

- *Subject of identity — how manifestations of xenophobia and extremism affect the identity of minorities, as well as identification of minorities on the part of the majority (growth of social phobias).*

The refusal of French authorities to recognise the rights of national minorities, and the refusal to recognise these minorities as a whole, has resultantly led to government's loss of control over the objective processes of development of separate ethnic and religious groups, which began to form as a result of changes in their self-identity.

In some cases, the control over these processes fell in the hands of religious fundamentalists of various faiths, as well as nationalists from both sides. In most cases, this led to the emergence of areas of compact settlement of ethnic and religious minorities, who not only started to push out the indigenous population, but also create their own, including religious, orders. An example in this sense, was the incident in Nimes, southern France, in September 2012, when a group of young Muslims demanded that the owners of wine and butcher shops, who traded at the city market for years, close their outlets and leave the market territory. Wine and pork merchants, as well as those who sold "light summer clothes" were prohibited to come back to the market under pain of death.⁷⁷

As a result, the level of xenophobia between various ethnic and religious groups has drastically increased in the recent years, which has further contributed to by the refusal of French identity by certain groups, as well as the growth in phobias among the majority towards these minorities. 2012 was indicative in this sense, with its loud and barbaric terrorist attacks in Toulouse and Sarcelles, and a wide spread of Islamophobia.

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socio-economic development of the country)

- *Standard of living.*

Like all EU countries, France was experiencing the consequences of the financial crisis in 2012, however they were not related to mani-

festations of xenophobia, but lay in the economic sphere. Nevertheless, the government's intentions to reduce social assistance to immigrants, announced in December 2012, can lead to a significant deterioration of standards of living of these ethnic minorities.

- *Economic turmoil and instability.*

Economic problems and economic instability were typical for France, as well as the other developed countries of the European Union in 2012. However, this was based solely on economic causes.

- *Decline in production growth, emigration of the labour force.*

Large-scale labour emigration is not a problem in France, although there is evidence of emigration of capital due to high taxes, especially in light of new government's reforms. However, these facts are not related to xenophobia in the country.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

France is one of the so-called "old democracies," and has a high level of political stability. However, growth of inter-ethnic and inter-religious tensions is evident. A process called radicalisation of society is taking place and is associated with the government's mistakes in the field of national policy and is due to active migration flows. In the future, this could also affect the political stability of the country.

The country is in fact experiencing a crisis of traditional European nation-state, which is expressed by the fact that a significant number of citizens, immigrants from abroad, no longer identify themselves with the French people. Therefore, the most important principle of such nation-state, the identity of citizens as a single nation, begins to falter. In order to stop this process, France must reconsider its unification policy and recognise the presence of ethnic minorities and their respective rights.

- *Impact of xenophobia and extremism in the country on the issues of external security, on relations with third countries and the international security in the region as a whole.*

Migration policy issues have already become the subject of special attention from the EU. Generally, so far this problem does not seriously affect international security; however, it was the cause for tensions within the EU itself, where some countries raised the question of introducing border control in certain countries inside the European Union. Cases of Roma deportations in France and Italy clearly demonstrate this.

RECOMMENDATIONS

1. *General recommendations for the accession to international agreements and conventions.*

To overcome the crisis of the traditional nation-state, France needs to reconsider its “unification” approach to national and language policies. It is recommended that France joins the major international agreements aimed at ensuring rights of ethnic minorities, and ratifies the already signed documents. This concerns the accession to the Framework Convention for the Protection of National Minorities, ratification of the European Charter of Regional and Minority Languages, as well as the withdrawal of reservations to article 27 of the International Covenant on Civil and Political Rights of the United Nations (1966). France is also recommended to reconsider its position of non-alignment to the UN General Assembly resolutions aimed against the glorification of Nazism, since these resolutions fully correspond to the French policy aimed at inviolability of post-war borders and the inadmissibility of the rehabilitation of Nazism.

2. *General recommendations for adjustments to the legal framework.*

After joining the international agreements, France should align its national legislation, starting with the Constitution (Article 2), and boycott a number of laws, especially those limiting the state funding of religious organisations, as well as the so-called “anti-hijab” law of 2010, law on religious sects of 2001, the law prohibiting religious symbols, etc. It is clear that France requires a whole range of laws aimed at protecting the rights of ethnic minorities.

3. *General recommendations for the executive bodies in the field of law enforcement and human rights.*

It is necessary to reconsider the practice hindering free movement of EU citizens within its territory, as happened in the case of Roma deportations, since it contradicts the EU Directive 2004/38, as well as a whole number of Articles of the European Social Charter.

It is also necessary to review the conditions for education of immigrant children, in accordance to which such children cannot be accepted in school without a residence permit, and abandon discriminatory practices towards refugees.

Furthermore, it is necessary to monitor and prevent discrimination of members of various religious denominations on the basis of public display of their religious paraphernalia.

Violations of freedom of speech and assembly are unacceptable, even if demonstrations are directed against acts of expression, more so

if they are directed against manifestations of xenophobia, according to a certain category of the population.

The government should also develop preventative techniques with representatives of various religious and ethnic communities in order to prevent manifestations of extremism and xenophobia.

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- ¹⁹ In France these are:
 - * Law 2004-809 of 13 August 2004 on freedom at the local level;
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 - * Law 2006-396 of 31 March 2006 on equality of opportunity;
 - * Law 2006-872 of 13 July 2006 on the national commitments in the field of housing;

* Law 2006-911 of 24 July 2006 on immigration and integration;

* Law 2007-290 of 5 March 2007 on the right to housing with the possibility of its protection and on the various measures to promote social cohesion;

* Law 2008-496 of 27 May 2008, containing various provisions to bring domestic law into conformity with Community law in the field of combating discrimination.

²⁰ O/2002 L 269/15

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³¹ <http://www.newsru.co.il/world/23jul2012/vel701.html>

³² <http://www.ambafrance-us.org/spip.php?article4049>

³³ <http://antisemitism.org.il/article/74680/%D0%BF%D1%80%D0%B5%D0%BC%D1%8C%D0%B5%D1%80-%D0%BC%D0%B8%D0%BD%D0%B8%D1%81%D1%82%D1%80-%D1%84%D1%80%D0%B0%D0%BD%D1%86%D0%B8%D0%B8-%D0%BE%D0%B1%D1%8A%D1%8F%D0%B2%D0%B8%D0%BB-%D0%BE-%D0%BF%D1%80%D0%BE%D0%B3%D1%80%D0%B0%D0%BC%D0%BC%D0%B5-%D0%BF%D0%BE-%D0%B1%D0%BE%D1%80%D1%8C%D0%B1%D0%B5-%D1%81-%D1%80%D0%B0%D1%81%D0%B8%D0%B7%D0%BC%D0%BE%D0%BC-%D0%B8-%D0%B0%D0%BD%D1%82%D0%B8%D1%81%D0%B5%D0%BC%D0%B8%D1%82%D0%B8%D0%B7%D0%BC%D0%BE%D0%BC>

³⁴ International Human Rights Movement “World Without Nazism.” “MONITORING of Neo-Nazism, xenophobia and extremism.” September, 2012, p. 49 — <http://www.stopnazism.net/monitoring/September%202012.pdf>

³⁵ <http://delo.ua/world/vo-francii-razgorelsja-rasistskij-skandal-186887/>

³⁶ International Human Rights Movement “World Without Nazism.” “MONITORING of Neo-Nazism, xenophobia and extremism.” December 2012, p. 52 — <http://www.stopnazism.net/monitoring/Monitoring%20in%20chronological%20order%20in%20December.pdf>

³⁷ Knobel, Haine et violences antisémities, S. 270-275, hier 270.

³⁸ CNCDDH, Rapport 2012, S. 184.

³⁹ Committee of Ministers, Reply by France to the conclusions of the European Committee of Social Rights (ECSR), submitted by the Representative of France at the GR-SOC meeting of 20 November 2012. Collective Complaint No. 64/2011 — European Roma and Travellers Forum against France Submissions by the government in reply to the ECSR’s report [<https://wcd.coe.int/ViewDoc.jsp?id=2029539&Site=CM>; eingesehen 28.5.2013].

⁴⁰ International Human Rights Movement “World Without Nazism.” “MONITORING of Neo-Nazism, xenophobia and extremism.” December 2012, p. 56 — <http://www.stopnazism.net/monitoring/Monitoring%20in%20chronological%20order%20in%20December.pdf>

⁴¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:158:0077:0123:EN:PDF>

⁴² LOI n 2006-911 du 24 juillet 2006 relative à l’immigration et à l’intégration; Az.: NOR: INTX0600037L, <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT00000266495&dateTexte=&fastPos=1&fastReqId=1160250715&oldAction=recHTexte> .

⁴³ Chou M.-H., Baygert N., The 2006 French Immigration and Integration Law: Europeanization or Nicolas Sarkozy's Presidential Keystone? Working Paper, No. 45, University of Oxford, 2007, S. 5

⁴⁴ EuGH, Beschluss v. 10.6.2011, Az.: C-155/11 PPU

⁴⁵ Erste Sektion des EGMR, Urteil vom 28.06.2007 (*Kaya v. Deutschland*), INFAuslR 2007, 325; Große Kammer des EGMR, Urteil vom 23.06.2008 (*Maslov v. Österreich*), Application 25672/07; ECHR, Judgement of 23.12.20010 (*Bousarra v. France*), Application 25672/07 usw.

⁴⁶ Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment // OJ L 155, 18.6.2009. P. 17–29.

⁴⁷ <http://www.pravda.ru/world/europe/european/27-12-2012/1140302-france-0/>

⁴⁸ CNCDH, Dossier de presse. Racisme, antisémitisme et xénophobie en France, Rapport 2012 [http://www.cncdh.fr/sites/default/files/dossier_de_presse_cncdh_racisme_2012.pdf; eingesehen 27.5.2013], S. 3; CNCDH, Rapport 2012, S. 15.

⁴⁹ CNCDH, Dossier de presse, S. 3f.

⁵⁰ Le Monde, 21.3.2013.

⁵¹ CNCDH, Dossier de presse, S. 3f.

⁵² CNCDH, Dossier de presse, S.3f.

⁵³ CNCDH, Dossier de presse, S. 5

⁵⁴ CNCDH, Dossier de presse, S. 3f

⁵⁵ http://www.raslfront-isere.org/blog/lire-article-557584-9564900-apres_l_interdiction_et_l_echec_de_la_manif_fascis.html

⁵⁶ International Human Rights Movement “World Without Nazism.” “MONITORING of Neo-Nazism, xenophobia and extremism.” November 2012, p. 55 — <http://www.stopnazism.net/monitoring/Monitoring%20-%20November%202012.pdf>

⁵⁷ CNCDH, Rapport 2012, S. 132, 141, 145.

⁵⁸ Ibid., S. 133.

⁵⁹ Ibid., S. 142.

⁶⁰ Ibid., S. 145.

⁶¹ CNCDH, Dossier de presse, S. 7.

⁶² CNCDH, Rapport 2012, S. 115f

⁶³ CNCDH, Dossier de presse, S. 7.

⁶⁴ CNCDH, Dossier de presse, S. 7.

⁶⁵ ADL, Global Anti-Semitism. Selected Incidents Around the World in 2012. Pressemitteilung vom 31.12.2012, (<http://www.adl.org/anti-semitism/international/c/global-anti-semitism-select-2012.html>); eingesehen 27.5.2013; Marc Knobel, Haine et violences antisémitiques. Une retrospective 2000-2013, Paris 2013, S. 267.

⁶⁶ Knobel, Haine et violences antisémitiques, S. 279.

⁶⁷ Ibid., S. 280.

⁶⁸ Dina Porat, Roni Stauber, Jean-Yves Camus, Antisemitism Worldwide 2012. General Analysis. Hrsg. v. Tel Aviv University, The Lester and Sally Entin Faculty of Humanities, Kantor Center for the Study of Contemporary European Jewry, Moshe Kantor Database for the Study of Contemporary Antisemitism and Racism, Tel Aviv 2012 [<http://www.kantorcenter.tau.ac.il/antisemitism-and-racism>; eingesehen am 27.5.2013], S. 5.

⁶⁹ SPCJ — Jewish Community Security Service (ed.), Report on Antisemitism in France 2012, [<http://dl.antisemitisme.org/REPORT%202012.pdf>; eingesehen 28.5.2013], S. 24.

⁷⁰ Porat/Stauber/Camus, Antisemitism, S. 6.

⁷¹ SPCJ, Report 2012, S. 12.

⁷² SPCJ, Report 2012, S. 25.

⁷³ <http://www.novayagazeta.ru/news/55105.html>

⁷⁴ Porat/Stauber/Camus, Antisemitism, S. 31.

⁷⁵ <http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/les-decisions/acces-par-date/decisions-depuis-1959/1999/99-412-dc/decision-n-99-412-dc-du-15-juin-1999.11825.html>

⁷⁶ http://www2.ohchr.org/english/bodies/ratification/4_1.htm

⁷⁷ International Human Rights Movement “World Without Nazism.” “MONITORING of Neo-Nazism, xenophobia and extremism.” September, 2012, p. 50 — <http://www.stopnazism.net/monitoring/September%202012.pdf>

SUMMARY OF INDICATORS FOR 2012

No.	INDICATORS	SCORE
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-10
2	Xenophobia and inflammatory statements by members of the authorities and media	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	15
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
5	Activities aimed at promoting tolerance and preventing extremism	5
6	Status of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	-2.5
7	Incitement of religious and ethnic hatred	-5
8	Radical nationalist groups and parties	-17.5
9	Extremist and radical nationalist public actions	-12.5
10	Racist attacks, violence and terror	-20
11	Presence, popularity and size of anti-fascist and anti-racist movements	10
12	Glorification of German National Socialism and collaborators of Nazi Germany	-2.5
13	Persecution of veterans and partisans of the anti-Hitler coalition	0
14	International aspects	2.5
	Total	-37.5

GERMANY

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

Indicators

- Discriminatory legislation affecting minorities residing in Germany in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

Germany has a well-developed anti-discrimination and anti-racism legislation. However, some of its provisions can be considered discriminatory.

The country has three acts that concern human rights activists:

First, the Foreign Residence Act, which contains restrictions for persons applying for official refugee status. These persons are limited in freedom of movement (they cannot leave the territory of the federal state where they are registered as asylum seekers), limited in state benefits and have minimal opportunities for professional employment. This problem persisted even after the Federal Constitutional Court ruled in July 2013 that refugees and asylum-seekers should enjoy social protection on a par with German citizens.¹

Second, the German Criminal Code, which despite the recommendations of international organisations has not been amended in order to include racism or other forms of hate as aggravating circumstances in the commission of a crime. In March 2012, a corresponding initiative had been proposed in Bundestag — a draft amendment to the Criminal Code (paragraph 46, section 2) with the provision on hate motives as an aggravating circumstance. However, the amendment has not been adopted during the monitored period.

At the same time, it must be noted that in late 2012 some courts had considered these motives as aggravating.²

Third, upon signing the European Framework Convention for the Protection of National Minorities, which does not contain a definition of “national minority,” Germany declared that its provisions shall be applied to Danes, Serbs (Sorbs), Frisians and German Roma (Sinti and Romani). German Federal Constitution does not contain any special instructions regarding the protection of minorities. These minorities are only specified in the constitutions of federal lands. Thus, the term “minority” in Germany excludes the so-called new minorities — groups of foreign nationals that immigrated to Germany in the last decade. These mostly include Turks, immigrants from the former Yugoslavia, as well as Russian-speaking Jews. Officially, they are not recognised as national minorities, but under the current German legislation, they also have opportunities to develop their language, culture and religion.

However, the 1 million Poles living in Germany, who have deep historical roots in the country (before 1940, the Polish community had the status of national minority) are not included in this category. Given that, according to the June 17th, 1991 German-Polish treaty of friendship and cooperation Germans in Poland and Poles in Germany have equal rights, this issue became a cause of tension between the two countries.³

In Germany, the European Charter of Regional and Minority Languages, which Germany ratified in 1998, does not apply to “new” national minorities.

Thus, Germany follows the European tradition of national and language unification, although not to the same extent as France.

Religious communities are in a similar situation. German Constitution guarantees freedom of religion and worship. Furthermore, according to Article 140 of German Basic Law, religious communities have the right to taxation (the so-called “church tax”), which is 8–9% of religious citizens’ income. This tax is deducted from the tax base and is collected by Finance Department (Finanzamt) of a federal land, and then transferred to the community. The problem is that only the religious organisations that have the status of a “public law corporation” can have the right to taxation. This status implies that the religious community, by its charter and the number of its members, guarantees its long-term existence. Religious community that seeks to obtain the status of a public law corporation must comply with applicable laws and guarantee that its existence does not violate the fundamentals of the German Constitution and the fundamental rights of third parties.

In modern Germany, such status is held by Christian communities of various denominations, including Orthodox and Mormons, Jehovah’s Witnesses, Judaists and the Union of religious communities that

do not belong to any official denomination, which includes predominantly small Christian communities and sects.

Muslim community in Germany, with more than 4 million people — nearly 5% of the population, does not possess the status of a public law corporation, even though it meets all the necessary conditions.

- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

German law does not contain such limitations.

- Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.

Such legislation is absent in Germany.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health-care, worship, etc.

German legal practice in 2012 was most discriminatory towards the Jewish minority. On May 7, 2012, Regional Court of Cologne ruled that religious circumcision is a form of physical harm and is therefore a criminal offense. The decision was met with sharp criticism of Jewish and Muslim communities in Germany, qualifying this decision as a persecution of religion.

The Conference of European Rabbis, who met in Berlin on July 12, 2012, described the verdict “as one of the most powerful attacks on Jewish life in Europe since the Holocaust.” It was emphasised that anti-Semitism in Europe increasingly “uses the vocabulary of human rights.” Germany is only country in the world with such draconian judgment was adopted.

On September 4, 2012, Turkish community in Germany appealed to the UN and the OSCE protesting against the German Ministry of the Interior anti-Islamist action. German authorities decided to distribute posters where ordinary Muslims are presented as potential terrorists. Turkish community classified this as discrimination and asked the European institutions to intervene.

The appeal to the UN and the OSCE explained that these posters do not help the struggle against Muslim radicals, but only contribute to strengthen the existing prejudices. In protest, four Islamic associations have already ceased their cooperation with the Ministry of the Interior under “Partnership for Security.” Posters depicted Muslims, who are supposedly prone to terrorism, under the headline “Wanted.”⁴

PRESENCE OF CRITERIA	INDICATORS	SCORE
-/×	Discriminatory legislation affecting minorities residing in Germany in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-2.5
-	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin	0
-	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication	0
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5
	Total for section 1	-7.5

2. Xenophobia and inflammatory statements of the authorities and in the media

An “anti-Israel poem,” written by 1999 Nobel Prize winner Gunter Grass, was cause for continuous debates in spring 2012. Some called Gunter Grass a “modern anti-Semite”; others admired his courage because he poetically spoke about painful issues in German society.

In April 2012, “Sueddeutsche Zeitung” published Gunter Grass’s poem entitled “What must be said.” Anti-Semitic motives directed against Jews are clearly visible in his work. Inciting hatred against Jews is a fairly common phenomenon in Germany. Gunter Grass, a 1999 Nobel Prize laureate, described Israel as “the greatest threat to the world.” His statements caused an immediate reaction in the media. It became obvious that Gunter Grass touched a painful subject that has been kept quiet for a long time. As a result, numerous accusations and attacks towards Jews wave swept across the country.⁵

The provocative verdict of the Cologne Regional Court to ban ritual circumcision (see Section 1) spawned active discussions on Jewish and Muslim circumcisions in the German media. Opponents of circumcision argued that it is an infringement of children’s rights. All of these de-

bates had clear religious undertones. According to surveys, 45% of Germans agree that circumcision is an illegal act of bodily harm.⁶

Most articles on circumcision did not contain any open anti-Semitic attacks. Many lawyers and medical experts, ignoring Jewish and Muslim “religious feelings” attempted to explain circumcision from a scientific point of view. Religion is a rather sensitive issue and it is practically impossible to reach a consensus on this matter.

Numerous derogatory illustrations of Islam had appeared in the press. Some articles were filled with anti-Semitic slogans. Numerous accusations were directed against Muslim women wearing headscarves. Anti-Semitic and racist cartoons were also widely spread.

In addition, an authoritative weekly newspaper “Die Zeit” published a scandalous article in late January 2012, talking about anti-Semitism based on a report from the Bundestag press conference.⁷ Online article received around 700 comments, 30% of which were removed by moderators due to anti-Semitic content. On September 5, 2012, “Time” published an article on circumcision that gathered 1,064 comments in eight days. The article was dedicated to the protection of children’s rights.⁸

Anti-Semitic attacks often appear in the pages of the Turkish press. Jews are accused of creating a conspiracy theory against the world, in pursuing a policy similar to the National Socialist Germany. Texts with anti-Semitic content can often be found on the Turkish book fairs.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Xenophobia and inflammatory statements of the authorities and the media	-5
	Total for section 2	-5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist and anti-extremist legislation, and legislation directed against incitement of ethnic and religious hatred in the country.

The Constitution of the Federal Republic of Germany proclaims that all people are equal before the law and prohibits discrimination on the ground of gender, blood, race, language, nationality, origin, re-

ligion and religious or political views. These principles are supplemented by the General Law on Equal Treatment, which extends the prohibition of discrimination over a number of private legal spheres and employment in the public sector.

Article 86 of the Criminal Code criminalises the propaganda of unconstitutional organisations. Article 130 of the Criminal Code (“Incitement”) covers the incitement of ethnic hatred and is one of main tools for combating right-wing extremism and xenophobia. Articles 129 and 129a of the Criminal Code criminalise organisations promoting racist ideology or justifying or inciting racial hatred and racial discrimination.

German legislation prohibits political parties and groups that do not meet the constitutional requirements. In accordance with the Basic Law (Article 9) and the Private Associations Law, societies and associations that are not political parties may be prohibited if, by the ruling of a competent authority, their aims or activities are violate the criminal law or are directed against the constitutional order or mutual understanding between peoples.

German law provides criminal responsibility for Holocaust denial, based on provisions in the German Criminal Code and the 1994 law on “Overcoming the consequences of crimes.”

Article 130 of the German Criminal Code regulates the “incitement of inter-ethnic hatred.” Article 3, adopted in 1985 (last amended in 2005) provides responsibility for inciting hatred on the grounds of nationalism, religious or racial hatred, as well as humiliation of a person belonging to a particular ethnic group and public denial of the Holocaust and crimes committed during National Socialist period. These crimes are punishable with up to 5 years imprisonment or a fine:

Article 166 of German Criminal Code provides penalties for blasphemy related to violation of public order. This article was last used in 2006 in connection with the insult against the Quran.

- Presence and improvement of anti-discriminatory legislation.

In 2006, Germany adopted the Equal Treatment Act, that brought German legislation in compliance with EU anti-discrimination Directives: 2000/43/EU from June 29th, 2000 — on the principle of equal treatment irrespective of racial or ethnic origin,⁹ 2000/78/EU from November 27th, 2000 — on equal treatment in employment and education,¹⁰ as well as gender equality directives 2002/73/EU and 2004/113/EU.

After the verdict of Cologne Regional Court banning circumcision, many politicians took initiatives aimed at protecting Muslim and Jewish rights. In July 2012, Bundestag deputies urged the government to draft

a bill that would enshrine Muslim and Jewish rights. The decision was upheld by a majority vote. In December 2012, a new connotation of the circumcision law has appeared. Paragraph 1631d was expanded and amended with the necessary comments. On December 20, 2012, the bill came into force.¹¹

On November 14, it was reported that the government signed an agreement with Hamburg's Muslim communities on equating Muslim and Christian holidays. Working Muslims will be able to take these days off, and children from Muslim families will have the right to skip school. In addition, documents stipulated the establishment of Muslim cultural institutions and the construction of mosques. Burgomaster of Hamburg Olaf Scholz stated these agreements recognise Islam as an equal religion in German society. Representative of the Turkish-Islamic Union of Hamburg Zakeria Altus also noted that the agreement became a sign of recognition of Muslims in German society.¹²

Similar agreement was signed on December 7th in Bremen.¹³

On November 15, Schleswig-Holstein became the first federal state in Germany that includes non-German Roma in a list of minorities that requires state support. Roma received the same rights to state protection and support as the Frisian minority.¹⁴

- Compliance of the authorities (central regional, municipal), the law enforcement and judiciary, with anti-Nazi, anti-racist and anti-extremist legislation. Compliance with anti-discriminatory legislation and legislation directed against the incitement of ethnic and religious hatred.

Such legislation is generally well observed. Anti-Discrimination Agency was established to improve the efficiency of German anti-discrimination legislation in accordance with the 2006 Equal Treatment Act. Anti-Discrimination Agency is an independent organisation that monitors compliance with the above-mentioned law and provides support for victims of discrimination.

The Agency can be contacted by persons who had suffered from racist or anti-Semitic attacks on the grounds of nationality, ethnic origin or disability.

- Responses to hate crime (criminal proceedings against organisers and participants, convictions).

According to the Federal Office for the Protection of German Constitution, 17,616 "politically motivated crimes" were registered in 2012 (2011: 16,873), of which 2,250 crimes (2011: 11,475) were related to the promotion of racist ideas and are a subject to §86, 86a of the Criminal Code.

840 violent crimes were recorded in 2012 (2011: 828). Of the total number of politically motivated crimes, 17,134 (2011: 16,142) were related to extreme right groups; 802 crimes were related to the use of violent force (2011: 755).

In comparison with 2011, the following trends emerges — proportion of violent hate crimes remained unchanged at 4.7% of the total number of hate crimes. 81.4% of crimes (2011: 80.6%) were related to the promotion of racist ideas (2012: 12,219, 2011: 11,401) or cases of incitement to violence (2012: 1,733, 2011: 1,605).¹⁵

A report for the year 2012 was published in June 2013, which identified six cases of attempted murder motivated by racism (2011: 5), and 690 cases (2011: 24) of grievous bodily harm. The report cited the Federal Police Office as a source.¹⁶ Of the total number of reported crimes (802), 393 of them (2011: 350) were motivated by xenophobia, 36 (2011: 22) were motivated by anti-Semitism, 189 crimes (2011: 217) were directed against members of left-wing parties or those who were falsely perceived as such, as well as other political opponents.¹⁷

The hate crime detection rate in Germany is around 60%.

However, not everything is perfect in the struggle against hate crimes. German government has often been criticised for the lack of a comprehensive action plan for combating this evil. In April 2013, the Amadeu Antonio Foundation published a report entitled “Government failure: report from Western Germany.” Authors of the report accused the government of inaction and indifference towards the victims of racist attacks. Amadeu Antonio Foundation is dedicated to combating the right-wing extremism. Vice-President of Bundestag Wolfgang Thierse commented on the situation, “The judiciary, police and local politicians pay too little attention to combating right-wing extremists. Currently, Germany has no permanent and reliable structures aimed at countering the extreme right. Victims of right-wing extremists are left one-on-one with their problems.”¹⁸

In November 2011, a parliamentary advisory council of scientists, which has been formed in 2009, prepared a report about their vision of the problem of anti-Semitism and its possible solutions. However, the Federal Government did not take any steps to implement the set of measures recommended by the expert group.

Nevertheless, certain trends can already be observed. After the discovery of an underground neo-Nazi group in 2011, the authorities seek to stop the virus of neo-Nazism at its roots. Special attention has been paid to suppress racist propaganda on the Internet. Thus, the Federal Criminal Police Office shut down the largest German online forum Thiazi.Net. Founders of the website appeared on trial in Ros-

tock in spring 2013 for “creating a criminal group” and “inciting inter-ethnic hatred.”¹⁹

However, unlike some countries, this is not limited to the Internet. On June 19, 2012, another extreme right group, “Resistance Movement” (www.spreelichter.info), was banned.²⁰ A total of six neo-Nazi groups was disbanded during 2012.²¹

For example, in August 2012, the largest trial on neo-Nazi in recent decades was launched in Koblenz. 26 people were accused of attacks on leftist activists. They are charged with assault, vehicle arson, application of neo-Nazi graffiti and neo-Nazi stickers on road signs, etc.²²

Authorities, particularly in the federal states, became engaged in prevention of hate crimes, and to this end are actively helping civil society organisations that are aimed at combating neo-Nazism and radical nationalism. Currently a number of NGOs in Germany are focused on the struggle against neo-Nazi groups. Some of them work in the field of education, while others monitor incidents of anti-Semitism on the Internet, and so on.

- Unlawful use of anti-extremist legislation.

Such cases were not recorded in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-Nazi, anti-racist and anti-extremism legislation, legislation against incitement ethnic and religious hatred in the country	5
×	Presence of anti-discrimination legislation	5
×	Compliance of the authorities (central regional, municipal), the law enforcement and judiciary, with anti-Nazi, anti-racist and anti-extremist legislation. Compliance with anti-discriminatory legislation and legislation directed against the incitement of ethnic and religious hatred	5
×	Counter-actions against hate crimes (criminal cases against organisers and participants, convictions)	5
–	Unlawful use of anti-Nazi, anti-discrimination and anti-extremist legislation	0
	Total for section 3	20

4. Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

In recent years, the ruling party CDU/CSU started paying more attention to xenophobia, discrimination and racism. In a major way, this was due German Chancellor Angela Merkel's position.

On June 11, 2012, the ruling party expressed its concerns with discrimination of Christians in the modern world.²³ The party had repeatedly opposed discrimination against LGBT, as well as Roma and Jewish communities. In July, CDU/CSU supported the parliamentary initiative and launched amendments legalising circumcision.

In May 2012, Chancellor visited the Central Council of Jews in Germany, where she had recognised that anti-Semitism is a serious problem in Germany and announced party's determination to fight against its manifestations.²⁴

In October 2012, Chancellor opened a monument to Sinti and Roma victims of Nazism in Berlin. At the opening ceremony, she stated that persecution and murder of more than half a million Sinti and Roma in Nazi Germany should be a reminder and a warning to those who still have racial prejudices.

In September 2012, Chancellor Angela Merkel made a statement supporting sexual minorities.

"I believe that any person who combines such characterful qualities as courage and strength should not be afraid of their orientation. There are examples of this in the political life of Germany. The fact that many people are afraid to reveal their natural inclination suggests that we need to take certain measures to address this problem."²⁵

In addition, the head of German government advocated the preservation of family and marriage as fundamental basis of German society. In an interview with a German Catholic news agency KNA, Chancellor reminded that every society is based on the values and norms that it considers important. In Germany, they are, in her opinion, rooted in Christianity.

"Marriage and family are foundations of our society," Chancellor said, "Family should remain under special protection of the state."

According to her, the CDU has no plans to prepare a law allowing same-sex couples to adopt children, while stressing that homophobia is also not encouraged by the party.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
	Total for section 4	5

5. Activities aimed at promoting tolerance and preventing extremism

German authorities pay great attention to the educational aspects of antifascism. In this respect, importance is given to school curriculums that include a mandatory visit to the Holocaust Museum in Berlin or similar museums in other cities.

Of equal significance are the regular, often government funded artistic, socio-political and historical exhibitions dedicated to the struggle against German Nazism in 1930–40s and modern neo-Nazism. Political parties actively participate in these events.

For example, in May—June 2012, Norderstedt hosted an exhibition “Neo-Nazism in Germany,” supported by the Social Democrat Party, “Die Linke” party and several other non-parliamentary leftist organisations supported by the Burgomaster. The exhibition displayed 150 episodes of fatal hate crimes committed by extreme right radicals since 1990.²⁶

From May 2 to May 11 2012, another exhibition supported by the city government was held in Rostock under the title “Neo-fascism in Germany.” As indicated in the promotional leaflets, the exhibition was dedicated to the latest manifestations of extreme right radicalism, racism, xenophobia, Islamophobia and anti-Semitism in Germany.²⁷

A similar exhibition was held in Oberhausen with the assistance of the “Die Linke” party and the Antifascist Union in June 2012.²⁸

Throughout the year, such exhibitions were held in several German cities.

Antifascist public actions is an important aspect of the struggle against extremism. Such actions are regularly held in many German cities with the support of German government, left-wing parties and local authorities. The educational value is not only in the fact of anti-Nazi demonstrations, but also in the number of participants, which should demonstrate a public trend. The most powerful protest demonstrations in 2012 were held in Dresden, where Nazis attempt to hold their annual procession on February 13 — the day the city was bombed

by the British-American Air Force in 1945. Antifascist protest in Dresden was attended by 13,000 people, while a similar action in Hamburg gathered 10,000. Neo-Nazi procession in both cities gathered around 1–1.5 thousand people.

An interesting anti-Nazi action was held in summer 2012 by German restaurant and hotel owners who boycotted clients that support or are members of neo-Nazi organisations. A brochure for service industry workers was issued in Brandenburg, detailing how to spot neo-Nazis among customers, if they want to reject them for their political positions. The project was initiated by the German Union of Hotels and Restaurants (*Dehoga*) in Brandenburg, and financed by the local Ministry of Education. The handbook was titled “*How not to fall bait to neo-Nazis.*”²⁹

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Activities aimed at promoting tolerance and preventing extremism	5
	Total for section 5	5

6. Status of migrants and society’s attitude towards immigrants, foreigners, different ethnic groups

Indicators

- Presence and improvement of migration law.

According to the German Department of Statistics of late 2012, there are nearly 16 million people with an immigration background residing in the country. This represents 19.5% of the population. Among them, more than 10 million or 13% of the population are first generation immigrants, i.e. born on the territory of other countries.³⁰ More than 1 million immigrants entered the country in 2012, which is related to the complete liberalisation of the rules of movement and employment within the EU. Among those, only 340 thousand are non-EU nationals (in 2011: 279 thousand).³¹ Over 14% of foreign nationals are Turks, almost 11% are Poles and over 9% are from the post-Soviet countries.

Intensification of immigration flows in Germany compared to other EU countries is explained by the more attractive economic climate and the relatively low unemployment (7% in 2012).

Immigration flows are governed by the corresponding legislation, which includes a series of acts: the Basic Law (*Grundgesetz*) of Ger-

many (article 16),* the Entry and Residence Act, the law on the expelled and migrants, as well as the Citizenship Act, the Law on immigration control and limitation, regulation of residence and integration of EU citizens and foreign nationals, the law on asylum seekers and the Law on freedom of movement of citizens.

Currently, German immigration laws generally comply with the EU Directive — 2004/38³² on freedom of movement, March 15, 2006 Council of Europe Regulation 562/2006³³ (Schengen Borders Code), as well as series of directives asylum seekers.³⁴ In August 2012, German Entry and Residence Act has been amended in accordance with the EU Directive 2009/50/EU, which introduced the “Blue Card” that is designed to regulate the employment of highly skilled professionals from third countries.³⁵ In particular, corresponding changes were made to paragraph 21 of the Act, introducing a new residence permit called “Blaue Karte EU” (“Blue Card EU”) for foreign nationals with higher education or equivalent qualification that would ensure a minimum wage. Changes affected students as well. Foreign students are given a greater chance for career development after their graduation in Germany. Their deadline for job search has been extended from 12 months to 18.

- Authorities’ compliance with such legislation (law enforcement practice).

German law enforcement practice regarding this issue has a number of drawbacks. Due to the cancellation of the visa regime with Serbia and Macedonia, conditions of the asylum seekers (mainly Roma and Sinti) from these countries has severely deteriorated in Germany. Inhabitants of Kosovo — Roma, Ashkali and Egyptians — are in a similar position, as well as other people from third countries who crossed Serbia in transit, entered the EU via Hungary and sought asylum in Germany.

Among these individuals, the rate of asylum refusal was particularly high in 2012. Germany had returned them to their respective homelands or Hungary, which they crossed in transit. This happened despite the possible dangers that these people could face in these countries, including the danger of extradition to Serbia, which according to Amnesty International’s report, had not granted a refugee status to a single foreigner in five years.³⁶ Therefore, they were facing deportation from Serbia as well, which risked endangering their life and health in third countries.

The European Commission against Racism and Intolerance, in its report from 2010, stated that Roma and Sinti in Serbia and Macedonia

* Article No. 16a of the Basic Law guarantees asylum on the territory of Germany for all persons that are persecuted for political reasons. Federal Ministry for Migration and Asylum is in charge for issues connected with refugees in Germany — *editor’s note*.

live in inadequate living conditions, they have no or limited access to basic services, such as healthcare, while their unemployment level in these countries reaches 70%. They are discriminated in education and employment. Therefore, Germany's large-scale denial of asylum for members of this group cannot be considered justifiable.³⁷

Immigrant's conditions in Germany remains difficult, despite the ruling of the Federal Constitutional Court in July 2012, which resolved that refugees and asylum seekers should enjoy social protection equal to German citizens. They are often accommodated in remote camps resembling prisons, their social benefits are paid in the form of merchandise coupons, they are not allowed to work, while there are not enough German language courses. Refugees wait several years for a response to their asylum application, living in territorial and social isolation, in small rooms, without the right to leave the area of the department responsible for foreigners (the so-called residence obligation). Many human rights activists believe that such poor living conditions are intentionally maintained to discourage seekers of asylum in Germany.³⁸

In February 2012, a refugee from Iran, Mohammad Rahsepar, committed suicide in Würzburg, northern Bavaria, unable to withstand the living conditions and fearing that he would be sent back to his homeland. On March 19, 8 Iranian refugees went on hunger strike protesting the immigration policies in Würzburg, which, in their opinion, led to the suicide. Like Rahsepar, these people fled from the Ayatollahs' regime, but are still unable to prove their status of political refugees.³⁹ Soon, protest swept other refugee camps across the country.

Protests lasted several months despite the above-mentioned decision of the Constitutional Court, culminating in a hunger strike of 25 refugees in front of the Brandenburg Gate in Berlin on October 24, 2012. Participants specifically picked this location, as it reminds of how political forces violently divided the society several decades ago.

Nine days previously, on October 15, protesting refugees and activists occupied the Nigerian Embassy in Berlin, demonstrating against embassies cooperation with the German authorities on deportation of refugees. Several refugees were arrested and, according to their own statements, were subjected to police mistreatment.⁴⁰

- Discriminatory practices against immigrants.

In 2012, CIS nationals permanently residing in Germany, Russians in particular, along with immigrants from Turkey, Ethiopia and others, were subjected to discrimination in social security, law enforcement, guardianship and family law.

During the monitored period, there were several cases of law enforcement discrimination against immigrants from Asia and Africa. As reported by Amnesty International, on October 29, 2012, the Supreme

Administrative Court of Rhineland-Palatinate resolved that federal police officers violated the constitutional principle of non-discrimination, by conducting ID checks on the streets based on skin colour.⁴¹ On October 17, 2012, Ethiopian immigrant in Frankfurt was accused of ticketless travel on public transport and was beaten by the police after the ensuing argument.

In October, the Koblenz Administrative Court of Appeal declared the police practice of selective ID inspections, conducted to identify illegal immigrants, illegal and violating anti-discrimination legislation. The February decision on the recognition of such practice as permissible was cancelled.⁴²

According to the Turkish representative in the UN Oguz Demiralp, the growing hostility towards foreigners is raising serious concerns in three million Turks living in Germany.⁴³

Rights of the Russian-speaking citizens are often infringed by the judicial system. According to the Cologne office of the Human Rights Union of Germany, headed by Harry Murrey, Russophobic sentiments are common in the law enforcement and the judicial system of Germany. "They are denied interpreter services, their trials are held without attorneys, without press or human rights activists." In this regard, the Russian-speakers have little chances to win in German court of law. These facts are completely ignored by the German authorities. "The official position of the German government is that there are no human rights violations in the country" — Murrey explained.⁴⁴

Experts of the Federal Anti-Discrimination Agency presented a report to the Bundestag on August 13, 2013, which concluded that discrimination against foreign students in schools and higher educational institutions of Germany is a common phenomenon. Every fourth student from an immigrant family feels deprived in their rights and opportunities.⁴⁵

Earlier, the UN experts reached the same conclusion regarding discrimination in the workplace. In their opinion, interests of immigrants up to the second generation are seriously infringed in professional activities.⁴⁶

In 2012, there were several cases of discrimination of Muslim women in the workplace. In March, the Civil Court of Berlin adopted a resolution, which was only announced 7 months later. Its decision supported the female Muslim plaintiff who was dismissed from her job as a dentist assistant for wearing a hijab. The Court ruled that the Muslim woman whose name was not disclosed faced discrimination on religious grounds, which is contrary to the Equal Treatment Act. The resolution states that the Muslim headdress is not a piece of clothing, but a form of personal belief, this reality does not change even if some Muslim women do not wear a headscarf.⁴⁷

- Use of the “ethnic crime” topic in order to discriminate against immigrants.

There are at least two nationalist organisations that are exploiting the “ethnic crime” topic in Germany. These include the new moderate nationalist party “Freedom” (Die Freiheit), and the “Pro Germany Citizens Movement.”

Freedom party’s programmeme talks about the need for de-Islamisation of the country. According to its leader, R. Stadtkewitz, there is a threat of “Berlin turning into Algeria.”⁴⁸ “Pro Germany Citizens Movement” immediately positioned itself as a right-wing conservative organisation that fights against multiculturalism and Islamisation of Germany. Its slogan is “Germany without foreigners, who do not respect its traditions and laws.” The Movement proposes tight control over ethnic crime and deport any foreigner who commits a crime.⁴⁹

- Social welfare for immigrants.

In accordance with German immigration law, refugees and foreign nationals legally residing in the country are entitled to the same social support as the German citizens.

Asylum seekers were the exception to this rule up until July 2012. These persons were deprived of freedom of movement, i.e. had no rights to leave the territory of the federal land where they were registered as refugees. In addition, they had limited social benefits and had difficulties finding jobs. Their living conditions also caused a lot of criticism — overcrowded accommodations, small living space and social discomfort accompanied asylum seekers for several months.

In July, the Federal Constitutional Court stated that refugees and asylum seekers should enjoy social welfare equal to German citizens. The Court ordered to pay the relevant sums due from 2011. This measure affected about 130 thousand people. According to human rights activists, this court verdict was significantly influenced by Mohammad Rahsepar’s suicide, which triggered nationwide protests against the conditions in reception centres, restrictions on the freedom of movement and barriers to employment of asylum seekers.⁵⁰

- Negative attitudes towards immigrants, foreigners, different ethnic groups.

2012 is likely to remain in history as the “year of contemplations and active discussions” about the fate of Jews living in Germany, who, like Muslims, are regarded as “aliens” by a certain part of society, despite the assurances of the political establishment.

The Commissioner for Human Rights Policy and Humanitarian Aid at the Federal Ministry of the Interior confirmed this thesis. Report of

the German Universal Periodic Review Work Group stated that racial and other prejudices are still common among certain groups in German society.⁵¹

The public opinion poll conducted in 2010 showed that 38.9% (2012: 38.8%) of respondents partially or completely agree with the statement “Jews are quite specific people and they are not suitable for life in Germany.” Despite the fact that 40.2% (39.6%) disagree with this statement, many still perceive Jews as “aliens.”⁵² The study conducted in 2010 revealed that 24.7% of respondents are opposed to foreigners and 8.7% are exhibit anti-Semitic sentiments.⁵³

A survey conducted in 2012 revealed that 39.9% of respondents fully or partially agree that “Germany requires a single party that could strengthen national unity”; 60.2% are of an opposite opinion.⁵⁴ 44.3% of respondents agreed with the statement “Jewish influence is currently at its strongest.” 55.7% of the respondents completely deny this point of view.⁵⁵ 37.7% of respondents partially or totally agreed with the opinion that “German people different from other peoples,” while 62.4% disagreed with this position.

Every sixth German advocates the establishment of a nationalist dictatorship that could unite the people’s will and unity.⁵⁶ Every tenth German would like to see a dictator in power.⁵⁷ The survey indicated that increasingly more people exhibit nationalistic, chauvinistic and anti-Semitic sentiments: 64.4% agreed that Germany is overcrowded with foreigners, while 35.6% disagreed with this statement.⁵⁸

According to the study published by the Friedrich Ebert Foundation in November 2012, 9% of the German population adhere to extreme right views. While their number had slightly decreased in the Western lands (7.3% compared to 7.6% in 2010), the opposite trend was observed on the former GDR territory where it increased from 10.5% in 2010 to 15.8%. Youth sentiments have significantly contributed to this growth. In addition, 25% of Germans adhere to xenophobic views, approximately 9% hold anti-Semitic views, and 60% are critical about Islam.⁵⁹

Opinion polls on racism and xenophobia showed that 44% of right-wing party supporters hold anti-Semitic views, compared to 26% of centrist party supporters and 28% of left-wing party supporters.⁶⁰

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence and improvement of immigration laws	5
-/×	Authorities’ compliance with such legislation (law enforcement practice)	2.5

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Discriminatory practices against immigrants	-5
×	Use of the “ethnic crime” theme in order to discriminate against immigrants	-5
×	Social assistance for immigrants	5
×	Negative attitude of the society towards immigrants, foreigners, various ethnic groups	-5
	Total for section 6	-2.5

7. Incitement of religious and ethnic hatred

Indicators

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

In 1990s, Germany was conducting an active struggle against the extreme right by prohibiting the creation of such organisations and associations. In response, a new extreme right youth culture and autonomous organisations are starting to appear. Numerous groups that call themselves “partnerships” actively maintain contacts with the neo-Nazis and skinheads. Their main field of activity is on the Internet.

New media is widely used by German radical nationalists in general. For example, it was recently discovered that a terrorist group “National Socialist Underground” (NSU) is sponsoring a board game called “Pogromly,” the concept of which is explicitly anti-Semitic.

Besides the groups mentioned above, there are numerous online platforms. One of them, the international news portal “World Wide News For People of European Descent,” was founded in 2002 and positions itself as a credible news agency despite its obvious right-wing orientation.

Another example is the German news portal Altermedia-Deutschland.info, which has offices in several countries. The website publishes rewritten articles of authoritative media outlets, presenting them in a different light and adding corresponding comments. This website is currently one of the most popular extreme right Internet portals. The website is visited by around 5 million people per year. “Jugend-schutz.net,” an organisation monitoring anti-Semitism and neo-Nazism

on the Internet, was able block access to the website after long negotiations with a US internet service provider. Although a month later, the website was moved to another server and continued its operation.

There is also an internet platform “Voice of Germany,” which operates under National Democratic Party’s financial support.

Right-wing Catholic and anti-Semitic platform “kreuz.net” was declared dangerous for young people by the Federal Department of Media, and was shut down in December 2012.

“Ansgararyan” is another extreme right online platform managed by “NordicTex” organisation located in Oberhof. The organisation positions itself as a defender of nationalist ideas. “Germaniaversand” is an internet portal that links to “Altermedia-Deutschland.”

The website called “non political correctness” often publishes Islamophobic articles.

Graffiti and neo-Nazi stickers regularly appear on the streets of major German cities.⁶¹ A cemetery in Delmenhorst was desecrated in June. A Jewish cemetery was vandalised in September, when some of the tombstones were marked with anti-Semitic graffiti.⁶²

- Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.

Germany has strict restrictions against the distribution of materials praising the Third Reich, and the similar. However, some bookshops in Germany, particularly the online stores, freely sell books about Wehrmacht, Waffen-SS, and others as “historical literature.” These books are published by small private publishers and are mainly distributed online. For example, a book by Julius Schaub, entitled “In Hitler’s Shadow: Memories and Recordings of Chief Adjutant 1925–1945”⁶³ was freely available on “Amazon” online store. The book is considered to be part of the extreme right literature.

The situation with music is more problematic, as it is difficult to censor.

The Federal Office for the Protection of the Constitution stated that “with the exception of jazz and classical music (in Germany), all musical genres have been penetrated by the extreme right, and all of them are used to promote extreme right ideas.”⁶⁴ According to the Federal Office, music is actively used by the German musicians who “glorify National Socialism, present Adolf Hitler and his party members as role models (or as tragic heroes)” and try to “implant racial hatred or calls for violence against foreign nationals, Jews and dissidents.”⁶⁵

There is a number of bands that do not openly position themselves as neo-Nazi, but support these groups, express their anti-Semitic views through music, creating a negative image of foreigners.⁶⁶ They also help the National Democratic Party of Germany attract new followers and voters.⁶⁷

According to police information, 82 neo-Nazi concert were held in Germany in 2012, which, despite the large number, is less than in 2011 (131 concerts) and in 2010 (128 concerts). In addition, police and regulatory authorities prevented another 13 such concerts in 2012.⁶⁸

These concerts are usually presented as charity events held in closed private properties and require personal invitations.⁶⁹ The concerts are organised by the above-mentioned neo-Nazi partnerships. One of these organisations, Aktionsgruppe 38, hosted a neo-Nazi concert in Braunschweig on June 9, 2012, which was attended by such rock bands as “Söhne Germaniens” (“Sons of Germany”) from Sachsen-Anhalt, “Terroritorium” from Lower Saxony (Niedersachsen), as well as “Last Riot” vocalist Rene Schulze.⁷⁰ The concert gathered 80 people, whom Aktionsgruppe 38 managed to attract through a large (several-week) promotion campaign in Braunschweig and surrounding towns, which involved advertising the upcoming event through flyers and stickers.

The popularity of neo-Nazi rock is evidenced by the volume of distribution of National Socialist music CDs and the sales of “ideologically consistent” clothing, which is the main source of income of right-wing parties, such as NDP. Moreover, the vast majority of profits arrive from the sale of music and merchandise abroad, particularly to Eastern Europe.⁷¹

On October 16, the Court of Meppen convicted the lead vocalist of Gigi & Die braunen Stadtmusikanten of inciting ethnic hatred and approving criminal offenses. German singer Daniel Giese received a seven-month suspended sentence and a fine of 600 euros for a song about the extreme right “National Socialist Underground” (NSU).⁷²

It is also worth mentioning a fairly new phenomenon in Germany — the Islamic anti-Semitism, which is widely spread in the Turkish German media. Turkish-language press accuses Jews of conspiracy against the world, of conducting a Nazi-like policy, and so on. Turkish book fairs often display texts with anti-Semitic content.

Turkish film “Valley of the Wolves: Palestine,” which was released in Germany in January 2011, was heavily criticised for distorting the image of Israel, as well as for its anti-Semitic and racist motives.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts	-5
	Total for section 7	-10

8. Radical nationalist groups and parties

Indicators

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).

The leading radical nationalist party in Germany, the National Democratic Party (NDP), formed in 1964, is experiencing hard times. The party is having some financial difficulties, as well as internal conflicts, which has already weakened the party's influence. In 2011, the party officially had 6,300 members, whereas in 2012, this figure decreased to 6,000.

The party received 1.3% of votes in the 2013 parliamentary elections, and did not pass into the Bundestag.

The second popular right-wing party is the "German People's Union," which surpassed the NDP in early 2012. However, in May of the same year, the party was dissolved. Some members of the party joined the "Right" party, formed in early July. According to the official figures, the party consisted of 150 participants in 2012.

Die Freiheit (Freedom) is a relatively new party, led by a former CDU member René Stadtkewitz. The party consists of the former members of the ruling party who became disillusioned with policies of the existing German parties. Party's main declared goal is to prevent Islamisation of the country.

The Republican Party is another old right-wing party founded in 1983. Republicans were most successful in 1989, when they received more than 7% votes in the elections to the European Parliament and the Berlin chamber of deputies. However, Republicans failed to develop this success. From 1992 to 2001, the party was represented in the Landtag of Baden-Württemberg. Since 1994, the party is led by Rolf Scherer, who distanced himself from right-wing extremism. As a result, the party had lost its value among other extreme right parties, such as the German People's Union and the NDP. During the 2009 German parliamentary elections, the party received 0.4% of the votes.

The self-proclaimed "Right Movement: The New Philosophers' Society" is another member of the right wing. Movement's website is decorated with the Imperial flag.

Finally, another well-known extreme right organisation is the "Pro Germany Citizens' Movement," which sets itself as "an association of people who want to preserve the traditional Northern European face of Germany."⁷³

Recently, the numerous Islamophobic, racist, anti-Roma, anti-Semitic organisations share the popular "Pro" movement format, such as "Pro Germany," "Pro North Rhine-Westphalia" and "Pro-Cologne." The

latter movement has its own faction in Cologne city council. The “Freedom” movement stands with a similar political content. All associations are under the supervision of the Federal Office for the Protection of the Constitution.

A relatively new and informal neo-Nazi organisation is the “Independent Nationalists” group based in Dortmund. Its members do not shave their heads, do not wear black jackets, but willingly communicate with each other over Twitter, in English language. “They can go have a kebab at a Turkish establishment, and attack immigrants from Turkey the next day,” journalist Johannes Radke writes. Radke was first to pay attention to the problem of German neo-Nazis more than 10 years ago. According to him, new Nazis consider themselves as the avant-garde of the right-wing forces, and act more prudently and “professionally” than the skinheads.

Unlike members of the far-right National Democratic Party, Independent Nationalists openly quote Hitler during their rallies and actions. The law prohibits public denial of the Holocaust and public expression of Nazi ideas, but the new nationalists, having no political ambitions, can afford more than the National Democrats.⁷⁴

- Discriminatory demands towards the minorities in programmes of these parties and in statements of their leaders.

All extreme right-wing political parties are standing on anti-immigrant and Eurosceptic positions.

For example, the NDP opposes German participation in the European Union and demands to abandon the single currency. Its slogan: “Fight for the minds,” “Fight for the streets, fight for the seats in parliament, *fight against the will of others.*”⁷⁵

Some parties are more “specialised.” For example, the “Freedom” party and “Pro Germany Citizens’ Movement,” “Pro Deutschland” and several others clearly stand on Islamophobic positions. The 77-page platform of the “Freedom” party includes such statements as “We will do everything we can to resist the Islamisation of our country.”⁷⁶

“Pro Germany Citizens’ Movement” often exploits the “ethnic crime” topic, calling to revoke citizenships and deport immigrant criminals.

In September 2012, following the attacks on embassies of Libya, Egypt and Tunisia after the screening of “Innocence of Muslims,” “Pro Deutschland” stated that Islam is incompatible with the fundamentals of a democratic society in Germany. The party stands for the preservation of the Christian image of the western countries. Pro Deutschland advocates for measures to stop the immigration of Muslim extremists and an immediate ban on all Islamic extremist organisations and the deportation of its members from Germany.

“Right Movement: The New Philosophers Society” promotes anti-Semitism. In February 2012, the party representatives were sending out threatening letters to Jewish communities and institutions. A trial has been initiated regarding this case.

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.

Despite the fact that, according to the public opinion polls (see section 6) about 25% of the German population share xenophobic views, radical nationalists were unable to find any support in the parliamentary elections, where the NDP usually receives less than 2% of votes. Nationalists achieved similar results in the regional Landtag elections, where National Democrats were only successful in Mecklenburg — West Pomerania, gaining 6% of votes in 2011. NDP is also represented in Saxony. Therefore, we can conclude that xenophobia of the German people is not directly related to the extreme right activities, and they do not have high expectations for these parties.

- Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.

As already mentioned, the radical nationalists represented by the NDP were only able to position their local representatives in Mecklenburg-West Pomerania. Therefore, party’s influence over the local authorities is virtually non-existent.

- Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.

German radical nationalists were unsuccessful in the 2009 and 2013 parliamentary elections, unable to pass a single representative into the Bundestag.

Moreover, in early December 2011, German Minister of the Interior, Hans-Peter Friedrich, stated that he will work towards banning the NDP party. His statement followed the capture of the “National Socialist Underground” (NSU) members who were involved in 10 murders (predominantly Turks) and 14 thefts. Minister’s statement was also related to the arrest of an NDP member Ralph Volleben in late November 2011. Volleben was suspected of involvement in six murders committed by members of the NSU, including one attempted murder.⁷⁷ In April 2013, German MPs did not support the appeal of the Social Democrats and the left parties to the Federal Constitutional Court on the ban of the NDP. However, the rejection was solely based on the legal aspects, since NDP does not violate democratic principles.⁷⁸ In conclusion, the extreme right has absolutely no influence over the central government of Germany.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities)	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities	-5
-	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations	0
-	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies	0
-	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies	0
	Total for section 8	-10

9. Extremist and radical nationalist public actions

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

There were some instances of unsanctioned or forbidden public actions, although they were few in scale and numbers. In July 2012, Bavarian neo-Nazis from Vilshofen organised a spontaneous demonstration protesting the Passau city police, which disrupted the planned rally and commemoration at the grave of a famous neo-Nazi Friedhelm Busse. Police blocked and dispersed the demonstrators.⁷⁹

However, such cases are not typical for the local neo-Nazis. Usually, they strictly adhere to the legal framework.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

Public actions permitted by the authorities were common in almost all German federal states, although they usually failed to gather a large audience. As a rule, they were often accompanied by antifascist counter-demonstrations that sometimes escalated into open clashes.

Federal Office for the Protection of the Constitution published a report in 2012, according to which the NDP and its youth organisation, Young National Democrats (YND), conducted 116 demonstrations and rallies (93 in 2011). Half of the events were aimed at recruiting new members.

In July—August 2012 nationalists held a so-called “tour of Germany.” NDP leadership held rallies in 50 German cities, protesting the EU and the euro currency. Despite the initiator’s high expectations, NDP managed to recruit just a few supporters.⁸⁰

Typically, neo-Nazi actions were dedicated to commemoration of historical events of the Second World War (“Funeral Marches” in Dresden, February 2012, and in Mecklenburg, West Pomerania, May 2012). There were also protest against the “domination of immigrants” — Muslims above all. In 2012, such actions were held in Hamburg, Dortmund, Regensburg, Bad-Godesberg, Veje (Bremen area), Sonnenberg, and other German cities.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

No such instances were recorded in 2012.

- Presence of “football xenophobia” and racism amongst sport fans.

Like in most European countries, football xenophobia is fairly common in Germany.

As reported by the “Football against Nazis” website (<http://www.fussball-gegen-nazis>), there have been numerous disturbances during a small football tournament in Hamburg on January 6, 2012. Fans of the opposing football clubs were involved in a brawl resulting in 90 people injured. According to eyewitness reports, fans of the Hamburg team chanted nationalist slogans to the Luebeck team, shouting, “Gypsies, get out!” to antagonise their opponents.⁸¹ Immediately after the football match, the Central Council of German Sinti and Roma filed charges against the fans for inciting racial hatred. A criminal case was initiated.

In late February 2012, an Israeli premiere league player Itay Shechter was assaulted by the anti-Semitic fans of the football club.⁸²

Football racism goes beyond German stadiums. For example, in September 2012, a Jewish cemetery near Rostock had been vandalised. Memorial plates were covered with graffiti of Hansa FC.⁸³

In September 2012, German Chancellor Angela Merkel expressed her opinion regarding football xenophobia. Commenting on the statements of one of the German players, who announced that he had to pretend to be heterosexual and say that he likes women, Merkel said

that should not be afraid of his sexual orientation: “The fact that many people are afraid to reveal their natural inclination suggests that we need to take certain measures to address this problem.”⁸⁴

PRESENCE OF CRITERIA	INDICATORS	SCORE
-/×	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities	-2.5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities	-5
-	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies	0
×	Presence of “football xenophobia” and racism amongst sports fans	-5
	Total for section 9	-12.5

10. Racist attacks, violence and terror

Indicators

- Vandalism in cemeteries, attacks on religious buildings.

On April 27, 2012, two pig heads were planted at the mosque entrance in Berlin Neukölln area.⁸⁵ Police had arrested the suspect, who turned out to be a member of the extreme right group.

In June, there have been numerous instances of cemetery vandalism. Tombstones and memorials have been desecrated in Delmenhorst, where nationalist slogans and symbols were also discovered. Information about these incidents was provided by the non-governmental organisations.⁸⁶ Pig heads were often found on Muslim cemeteries, which is seen as the most effective way to discredit Muslims since Islam forbids any consumption of pork.

On September 2 and 3, 2012, as mentioned above, unidentified vandals desecrated a Jewish cemetery located near Rostock by applying graffiti on memorial plates with the name of Hansa FC.⁸⁷

On November 8, unknown vandals covered the memorial plaque mounted on one of the former Berlin synagogues with black paint.⁸⁸

- Inter-ethnic clashes instigated by xenophobia and radical nationalism.

Cases of inter-ethnic clashes were not recorded by the monitoring in 2012.

- Cases of violence, including murder on racial, ethnic and religious grounds.

Federal Ministry of the Interior annually publishes statistical reports on their website, based on the information provided by the Land Criminal Police Office. The reports provide extensive information about criminal offenses committed in Germany each year. Offenses are categorised in two groups: *PMK gesamt* — politically motivated crimes, and *PMK-R* — politically motivated crimes committed by the extreme right. Statistics show that 90% of racially motivated crimes are committed by the right-wing sector, and 3–6% is committed by foreign nationals. Representatives of the left wing rarely commit such crimes. The report does not specify the criminal’s nationality.

Table 1. POLITICALLY MOTIVATED CRIMES
AMONG THE RIGHT-WING REPRESENTATIVES ⁸⁹

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
PMK gesamt	26,520	21,690	20,477	21,178	26,401	29,050	28,538	31,801	33,917	27,180	30,216	27,440
PMK-R	14,725	12,933	11,576	12,553	15,914	18,142	17,607	20,422	19,468	18,375	16,873	17,616

PMK gesamt — total politically motivated crimes.

PMK-R — politically motivated crimes by the extreme right.

In 2012, the number of criminal offenses and violent attacks of the extreme right has increased (+4.4% and +1.7%, respectively).

Minister of the Interior Hans-Peter Friedrich commented on the situation, “Even if the crime rate had decreased, there would still be a real cause for concern. This applies not only to the increased number of criminal offenses and violent acts among the right-wing, but also to the increase in crime rate and violence motivated by xenophobia (+16.5% and +10.8%, respectively).”

In 2012, the level of anti-Semitic crimes also increased (+10.6%). Over that period, 1,374 crimes of this nature have been recorded (2011: 1,239). The number of violent anti-Semitic crimes had also dramatically increased — 41 in 2012, compared to 29 in 2011.

During the same period, there were 8 attempted murders involving members of the extreme right, which is far greater than the three cases in 2011. In six of these cases, victims were police officers.⁹⁰

Experts believe that there is a direct link between the activities of the extreme right media and the online discussions of inter-ethnic or inter-religious relations in various blogs, which are accompanied by condemnations and the increase in hate crimes. There is also a direct connection between the rising tensions in the Middle East and the frequency of such crimes.

The already mentioned anti-Semitic poem of a Nobel Prize winner Günter Grass and the numerous discussions on circumcision coincided with or provoked a number of anti-Semitic attacks. The most outrageous incident occurred in August 2012, when Rabbi Daniel Alter and his daughter were attacked in the Schöneberg area of Berlin. This incident incited a new round of public debates about circumcision and Muslim's anti-Semitic attacks.

- Terrorist attacks based on radical nationalism and religious fanaticism.

Monitoring did not record any cases of terrorism motivated by hatred in 2012. However, that year, the German Prosecutor General launched an investigation against the founder of the “National Socialist Underground” — a group accused of ten murders over 11 years, as well as two terrorist attacks and fifteen bank robberies. According to preliminary investigation, the terrorist unit was led by three people. They acted boldly and brutally, shooting their victims — Turkish small business owners.

In early May 2013, the Supreme Regional Court of Munich began hearings over the only surviving member, Beate Zschäpe. The decision is likely to be made in 2014. Two other members of the group have committed suicide. This case demonstrated the inaction of local authorities, their inability to conduct a meticulous investigation. A glaring omission led to the dismissal of the president of the Federal Office for Protection of the Constitution, as well as resignation of several officials.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Vandalism in cemeteries, attacks on religious buildings	-5
-	Inter-ethnic clashes instigated by xenophobia and radical nationalism	0

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Cases of violence, including murder on racial, ethnic and religious grounds	-5
-	Cases of hate crimes	0
-	Terrorist attacks on the basis of radical nationalism and religious fanaticism	0
	Total for section 10	-10

11. Presence, popularity and size of Antifascist and anti-racist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

Anti-racist and anti-Nazi organisations primarily consist of left-wing parties, such as “Die Linke” and the Social Democratic Party of Germany (SDP). The ruling CDU/CSU party has also recently showed increased activity in this direction.

A number of anti-Nazi non-governmental organisations had operated in Germany in 2012. Some of them worked in education, others organised protests or tracked racist incidents on the Internet. After the antifascists appeal to the police, founders of racist websites risk being prosecuted for “spreading racist, anti-Semitic ideas” on the Internet.

There are more than a hundred of such organisations. They include autonomous mobile groups that use social networks to gather at the right time and in right place. These groups include, the Antifascist Action in Berlin (AAB), Anarchists Antifa, “Direkte Aktion,” “Bündnis gegen Rechts” (Alliance against the Right), “Dresden Without Nazis,” “Group Against Genocide and Understanding Between Nations,” “Hrant Dink Berlin Forum,” “Berlin Refugee Forum” and many others.

- Anti-racist and Antifascist movement activities (pickets, rallies, demonstrations).

Antifascist activity is widespread throughout Germany. Antifascist public actions primarily involve counter-demonstrations against the

neo-Nazi and nationalists. Antifascist websites publish a calendar of right-wing events across Germany, which is not difficult to obtain from the local authorities. The calendar includes the proposed counter-demonstrations in the same cities and at the same time.⁹¹

Antifascist organisations receive extensive support from the local governments controlled by the above-mentioned political parties, particularly the SDP and the Die Linke.

Considering that these parties control almost all federal lands, they do not find it difficult to financially maintain and managed the numerous antifascist NGOs through government subsidies. Antifascist groups organise their own demonstrations and public actions to counter the neo-Nazi events. German politicians are supporting the protest marches aimed at combating Nazism. One such demonstration took place in Hamburg in June 2012 and gathered around 10,000 people. A similar event was also held in Dresden on the anniversary of “Dresden bombings of 1945.” The protest action was led by the political union “Dresden Without Nazis,” which consists of several NGO members and ordinary citizens. In 2012, this demonstration gathered approximately 13,000 people. The number of right-wing extremists, participated in the so-called mourning procession was significantly lower, around 1,600 people.⁹²

However, it should be noted that such actions are often accompanied by unsanctioned antifascist actions, who block the way for their opponents and attack them. For example, more than 700 antifascists tried to disrupt a sanctioned neo-Nazi march in Hamburg on June 2, 2012, and were consequently arrested.⁹³

In addition to the actions mentioned above, antifascists held hundreds of smaller events across the German lands in 2012.

- Presence of anti-racist and antifascist civic initiatives.

Antifascists carried out a number of interesting initiatives in 2012. Some of them are listed below:

From August 28 to September 2, 2012, an antifascist gathering was held in Dortmund, where they shared experiences of the national antifascist struggle.⁹⁴

Several antifascist electoral initiatives held in 2012 aimed to prevent the election of National Democratic Party representatives to the parliaments of individual federal lands. They were held in North Rhine-Westphalia, Schleswig-Goldstein and various other states.⁹⁵

On December 1, an exhibition was opened in Brandenburg, sponsored by the Friedrich Ebert Foundation. The exhibition was called “Victims of extreme right violence in Germany since 1990” and was dedicated to the memory of 156 victims of neo-Nazis during that period.⁹⁶ Similar exhibitions were held in Norderstedt, Rostock, Oberhausen and other cities of Germany.

An important incident occurred in the Landstag of Saxony, where the parliamentary speaker Matthias Roessler interrupted the meeting and demanded that members of the National Democratic Party changed their clothes, since they attended the session wearing “Thor Steinar” T-shirts and sweatshirts — clothing that is often worn by neo-Nazis.

When neo-Nazis refused to change their clothes, Roessler kicked them out from the hall and banned them from the next three meetings. National Democrats left only when the police arrived to escort them out of the building. Social Democrats and the “Greens” supported Speaker’s decision. The SDP representative stated that “Thor Steinar” is not just a fashion brand, but a manifestation of a dehumanising ideology. This was the first incident in the history of the Saxon Parliament when the whole faction was removed from the session.⁹⁷

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-racist and anti-Nazi movements and parties	5
×	Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations)	5
×	Presence of anti-racist and anti-fascist civic initiatives	5
	Total for section 11	15

12. Glorification of German National Socialism and collaborators Nazi Germany, historical revisionism, Holocaust denial

Indicators

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

As already mentioned, 2012 demonstrated a noticeable increase in German typographic production promoting Nazism and praising Wehrmacht and SS troops masked as historical literature.

The Simon Wiesenthal Centre conducted a special investigation into this matter and published its results in summer 2013. The study

revealed that German media, particularly the “Der Landser” magazine published by the largest European publisher, Bauer Media Group, brightens the history of the Third Reich, ignoring its crimes. This was reported by the author of the study, Stefan Klemp — a known German expert on Nazi war crimes and a long-time consultant of the Wiesenthal Centre. He urged the German Ministry of Justice and Internal Affairs to investigate possible violations of Article 86 of the German Criminal Code, which prohibits glorification of Nazism.⁹⁸

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

No such facts were recorded by the monitoring in 2012.

- Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities.

No such facts were recorded by the monitoring in 2012.

- Historical revisionism, Holocaust denial.

Such activity is prohibited by German law. No related violations of the law were recorded in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition	-5
-	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers	0
-	Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities	0
-	Historical revisionism, Holocaust denial	0
	Total for section 12	-5

13. Persecution of veterans and partisans of the anti-Hitler coalition and anti-fascists

Indicators

- Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as Antifascists.

No such facts were recorded by the monitoring in 2012.

- Restrictions on human rights and antifascist organisations imposed by the authorities. Bans to entry or exit imposed on antifascists. Authorities' inaction.

No such facts were recorded by the monitoring in 2012.

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and Antifascist.

No such facts were recorded by the monitoring in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists	0
–	Restrictions on human rights and anti-fascist organisations imposed by the authorities, bans to entry or exit imposed on anti-fascists by the authorities, inaction of the authorities	0
–	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists	0
	Total for section 13	0

14. International aspect

Indicators

- Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities.

Germany joined all major international conventions on combating racism and discrimination against ethnic minorities, including the

Framework Convention for the Protection of National Minorities and the European Charter for Regional and Minority Languages.

- Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, neo-Nazism and xenophobia.

During the monitored period, Germany did not join any new international agreements and resolutions of the UN or other international organisations on combating Nazism, racial discrimination, protection of minorities, etc.

- International statements and initiatives against discrimination, neo-Nazism and xenophobia made by the monitored countries and their leading politicians.

There were no international statements or initiatives made by the German authorities or prominent German politicians on combating discrimination, xenophobia and neo-Nazism.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities	5
–	Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period	0
–	International declarations and initiatives of the monitored countries and the leading politicians against discrimination, neo-Nazism and xenophobia	0
Total for section 14		5

CONCLUSION

Consequences for the development of the country and society, based on the analysis of factors and the following aspects:

1. Human Rights

- *Guarantees against any form of minority discrimination.*

German legislation guarantees protection from any form of discrimination. However, imperfections in the national and international law enables German authorities to only recognise the ethnic and religious minorities that have deep historical roots in the territory. Local governances are trying to correct these contradictions though their federal state laws, although it does not solve the problem as a whole.

“New” ethnic minorities and related religious organisations, such as the Muslim community, are deprived of the right to preserve their language and culture, as well as the right to collect the so-called Church Tax. This is already creating certain problems, as Muslims are not the only people not recognised as a traditional community. Non-German Roma, Poles and many others of the 16 million immigrants who arrived in the country over the past decade are in a similar situation. Given the increased immigration flows, primarily from the EU countries, this issue may become more aggravated and lead to increased confrontations between the recognised majority and recognised minority.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.)*

Germany follows the standards of the fundamental human rights instruments. However, the country made certain reservations when signing the Framework Convention for the Protection of National Minorities, excluding representatives of immigrant communities and Poles, whom Germany does not recognise as a traditional national minority.

- *Differences between the rights and freedoms of the titular nation and ethnic minorities.*

Such differences, although not pronounced, are present in the country and particularly concern minority languages, such as national minorities’ right to their native language in education. This is further aggravated by the reservations to the Framework Convention for the

Protection of National Minorities, excluding the so-called “new” ethnic groups, which appeared in Germany over the past decade as refugees and labour immigrants, from the definition of a national minority.

- *Legislation enshrining inequality of minorities.*

German legislation does not have this problem, except for the aforementioned reservations to the Framework Convention for the Protection of National Minorities, provisions of which are only applied to the Danes, Serbs (Sorbs), Frisians and German Gypsies (Sinti and Roma).

- *Rulemaking in protection of minorities.*

After the decision of the Cologne Regional Court that imposed a ban on religious circumcision, a Religious Circumcision Act has been adopted in December 2012, securing the religious rights of Muslims and Jews.

Furthermore, the authorities of Bremen and Hamburg signed agreements with Muslim communities about equating Christian and Muslim holidays. Schleswig-Holstein became the first German federal state that included the Roma into the list of ethnic minorities that require government support. Roma received the same rights for protection and support as enjoyed by the Frisian minority that densely populates this land.

- *Freedom of speech violations.*

Germany has fairly severe freedom of speech restrictions imposed on the propaganda of Nazism, neo-Nazi views, racism, ethnic and religious intolerance. For example, in October 2012, German government requested the Twitter social network to block the account of a neo-Nazi group “Besseres Hannover,” due to its ban in the Lower Saxony. Its members are suspected of inciting racial hatred and distributing videos with threats against the authorities. Twitter’s administration agreed to such action for the first time.⁹⁹

The mechanism of media supervision is thoroughly designed in the German legislation, identifying media that could harm children’s mental and physical health. Otherwise, Germany remains a country strictly adhering to the fundamental principles of freedom of speech.

- *Legislation and law enforcement practices concerning immigrants.*

While German immigration laws are well developed, the recent inflow of immigrants has led to some problems in its implementation (there is higher proportion of expelled asylum seekers, including to the countries where they may be at risk), as well as the increase of discriminatory practices against asylum seekers and immigrants in general.

This relates to the poor living conditions of asylum seekers, discrimination against immigrants in law enforcement, as well as in employment and education.

2. State of the society

- *Risk of violation or non-compliance with the acting laws aimed at protecting the rights of minorities; risk of discriminatory practices against minorities.*

German society is one of the most stable in terms of minority rights and xenophobia. The main danger for Germany is the exclusion of a large part of the population from the minority status, specifically the immigrants who arrived in Germany in recent decades.

Currently, 19.5% of the German population are already part of this group, and the globalisation, the EU open borders, the visa-free regime with other countries and the increasing migration flows from Asia and Africa will only increase this figure.

Ethnic minorities are already recognising themselves as a particular group that has its own cultural and religious interests and rights. They are no longer satisfied with the substitution of minority rights with human rights. They demand more for themselves.

On the other hand, according to the 2012 opinion polls, a sharp increase in the foreign population over the last decade led to a 25% increase in xenophobic sentiments in the German society. Over 60% of respondents believe that “there are too many immigrants” in Germany. This reveals the problems with immigrants’ integration into the German society and reflects the negative trends in social cohesion.

Therefore, if the policies related to national and religious minorities remain at current levels, it can cause problems for the whole community in the nearest future.

- *Identity — how manifestations of xenophobia and extremism affect the identity of minorities, as well as majority’s identification of minorities (growth of social phobias).*

So far, manifestations xenophobia and extremism in Germany do not affect the identity of minorities. However, the social phobias against Muslims, Jews and other minorities are growing. This process is not pronounced as of yet, but given the current trends in immigration processes and the current government policies on ethnic and religious minorities, the situation may deteriorate in the nearest future.

This is well understood by the extreme right radicals. The tendency to create new moderately nationalist and conservative political parties was very clear in 2012, exploiting the growth in xenophobic sentiments among German voters.

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socio-economic development of the country)

- *Standard of living.*

Germany, like all EU member states, has experienced the effects of the financial crisis. However, Germany's position in this sense was more attractive compared to its EU counterparts. This includes Germany's economic development and the unemployment rate, which was at 7% in 2012. It is therefore evident that xenophobia is not yet reflected in the country's socio-economic development.

- *Economic turmoil and instability.*

While Germany experienced some economic difficulties and instability in 2012, they were exclusively related to economic factors.

- *Decline in production growth, emigration of the labour force.*

Major emigration of the working population is not a problem in Germany. On the contrary, there is a significant influx of labour immigrants and refugees.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

Germany has a high indicator of political stability. Although some inter-ethnic and inter-religious tensions can be noticed, they are not significant enough to affect its stability. The 2013 parliamentary elections showed that voters supported the former course of country's development.

Nevertheless, the rise of nationalism as a political trend in German society was noticed by the right-wing politicians, who began to exploit xenophobic sentiments of the electorate. The fact that the German National Democratic Party is only represented in two German states should not be misleading, as the recently appearing new radical nationalist organisations may soon push the traditional neo-Nazis aside and try to combine into a single protesting electorate.

In this sense, the state policy of support for antifascist organisations is of great importance. These organisations still manage to contain the extreme right in a marginal framework.

- *Impact of xenophobia and extremism in the country on the issues of external security, on relations with third countries and the internal security in the region as a whole.*

For the moment, Germany's political stability raises no questions in the international community. Elements of xenophobia and extremism in the German society in 2012 had no impact on Germany's relations with individual countries and the foreign policy in general. Federal Republic of Germany continued to be a pillar of stability in the European space.

RECOMMENDATIONS

1. *General recommendations on the accession to international agreements and conventions.*

Germany's refusal to join the Russian-proposed UN General Assembly resolution A/RES/67/154 "Glorification of Nazism: the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance" raises many questions, as the Federal Republic of Germany de facto and de jure pursues a policy to suppress any statements aimed at the incitement of ethnic hatred and the glorification of National Socialism.

Therefore, Germany's reluctance to support this international initiative is most likely connected to the so-called North Atlantic solidarity, aimed at protecting the freedom of speech, as it is understood in the United States and other NATO countries. Nevertheless, this resolution is fully compatible with country's policies, as well as the General Comment 34, Article 19 of the International Covenant on Civil and Political Rights. Therefore, its adoption would only enshrine the already existing approaches on combating neo-Nazism and Holocaust denial, and would raise the Germany's profile in the international arena.

In addition, Germany should extend the effect of the Framework Convention for the Protection of National Minorities over the so-called "new" minorities, which formed in Germany over the past decade through immigration.

2. *General recommendations on adjustment to the legal framework.*

Germany needs to boost the adoption of amendments to the Criminal Code in order to supplement it (paragraph 46, section 2) with the relevant provision on hate motives as an aggravating circumstance in the commission of a crime.

Given Germany's reservations to the Framework Convention, the federal states should take advantage of their rights and provide the individual ethnic minorities that do not have state recognition with a special status. Thus, such minorities will be able to receive state support within individual federal lands, as has already happened in Schleswig-Goldstein, which granted such rights to non-German Roma (see above).

The initiative on equating the Christian and Muslim religious holidays in Bremen and Hamburg also deserves commendation and should serve as an example for other federal states with a significant Muslim population.

3. *General recommendations on the executive bodies in the field of law enforcement and human rights.*

German authorities must do everything possible to adhere to the decision of the Federal Constitutional Court, which ruled that refugees and asylum seekers should enjoy social protection equal to German citizens. This includes changing the accommodation conditions of such persons during their waiting period.

Furthermore, it is necessary to abandon the practice of mass deportation of asylum seekers to the countries where they may be at risk. This includes the European countries such as Serbia and Hungary.

Tough response of the German authorities to discriminatory attitudes in the law enforcement deserves encouragement and support.¹⁰⁰

It is necessary to establish a state programme aimed at curbing the discriminatory practices against immigrants in employment and education, with the mandatory participation of non-governmental organisations.

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- ⁴⁵ <http://www.dw.de/%D0%B4%D0%BE%D0%BA%D0%BB%D0%B0%D0%B4-%D0%B4%D0%B8%D1%81%D0%BA%D1%80%D0%B8%D0%BC%D0%B8%D0%BD%D0%B0%D1%86%D0%B8%D1%8F-%D0%B2-%D0%BD%D0%B5%D0%BC%D0%B5%D1%86%D0%BA%D0%B8%D1%85-%D1%88%D0%BA%D0%BE%D0%BB%D0%B0%D1%85-%D0%B8-%D0%B2%D1%83%D0%B7%D0%B0%D1%85-%D0%BE%D0%B1%D1%8B%D1%87%D0%BD%D0%BE%D0%B5-%D1%8F%D0%B2%D0%BB%D0%B5%D0%BD%D0%B8%D0%B5/a-17014997>
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- ⁵⁸ Ibid., S. 29.
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⁶³ <http://bubgegenextremerechte.blogspot.de/2013/02/17/amazon-nazi-musik-und-rechtsextreme-buecher/>

⁶⁴ BPjM, "Jugendgefährdung: Lesemedien & Hörmedien" // Bundesprüfstelle für jugendgefährdende Medien: www.bundespruefstelle.de/bmfsfj/generator/bpjm/Jugendmedienschutz-Medienerziehung/Lese-Hoermedien/jugendgefaehrung.html

⁶⁵ Ibid.

⁶⁶ Rechtsextremistische Skinheads: Musik und Konzerte, hrsg. Bundesamt für Verfassungsschutz, Berlin 2004, S. 8.

⁶⁷ Die Berliner Skinhead-Band "D.S.T." (Deutsch-Stolz-Treu) etwa hat sich der "Sozialkritik" und dem Kampf "gegen das ‚Gott erwählte Volk‘ verschrieben. Rechtsextremistische Skinheads: Musik und Konzerte, hrsg. Bundesamt für Verfassungsschutz, Berlin 2004, S. 9.

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⁷² International human rights movements "World Without Nazism" — "Monitoring of xenophobia and radical nationalism," October 2012, p. 46 — <http://worldwithoutnazism.org/about/Monitoring%20October%20Rus.pdf>

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⁷⁵ Bundesministerium des Innern, verfassungsschutzbericht 2012 — Vorabfassung, Juni 2013, S. 48 [<http://www.verfassungsschutz.de/embed/vsbericht-2012-vorabfassung.pdf>, S. 80.

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⁷⁷ <http://lenta.ru/news/2011/12/09/npdban/>

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⁷⁹ <http://akantifapa.wordpress.com/>

⁸⁰ Bundesministerium des Innern, verfassungsschutzbericht 2012 — Vorabfassung, Juni 2013, S. 48 [<http://www.verfassungsschutz.de/embed/vsbericht-2012-vorabfassung.pdf>; eingesehen 12.6.2013].

⁸¹ <http://www.fussball-gegen-nazis.de/beitrag/612012-hamburg-hallenturnier-8074>

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⁸⁸ International human rights movements “World Without Nazism” — “Monitoring of neo-Nazism, xenophobia and extremism” November 2012 — <http://worldwithoutnazism.org/about/General%20%20Monitoring%20November%202012.pdf>

⁸⁹ Bundesministerium des Innern http://www.bmi.bund.de/SharedDocs/Downloads/DE/Nachrichten/Pressemitteilungen/2013/04/zahlen-politisch-motivierte-kriminalitaet.pdf?__blob=publicationFile, eingesehen 7.5.2013.

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⁹¹ See: <http://buendnisgegenrechts.net/>; <http://aah.noblogs.org/archives/3/?paged=9>; <http://direkteaktion.over-blog.de/article-geplante-nazi-aufmarsche-und-demos-veranstaltungen-gegen-nazis-hj-1-2013-117389649.html>

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SUMMARY OF INDICATORS FOR 2012

No.	INDICATORS	SCORE
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-7.5
2	Xenophobia and inflammatory statements by members of the authorities and media	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	20
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
5	Activities aimed at promoting tolerance and preventing extremism	5
6	Status of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	-2.5
7	Incitement of religious and ethnic hatred	-10
8	Radical nationalist groups and parties	-10
9	Extremist and radical nationalist public actions	-12.5
10	Racist attacks, violence and terror	-10
11	Presence, popularity and size of anti-fascist and anti-racist movements	15
12	Glorification of German National Socialism and collaborators of Nazi Germany	-5
13	Persecution of veterans and partisans of the anti-Hitler coalition	0
14	International aspects	5
	Total	-10

GREECE

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

Indicators

- Discriminatory legislation affecting minorities residing in Greece in the fields of registration, movement, business, employment, education, housing, healthcare, worship etc.

Greece is among the countries that do not recognise the existence of minorities within their borders. Chapter 2 of the Greek Constitution dedicated to private and social rights guarantees equality only for the *Greeks*. Section 4(1) in particular states that all Greeks are equal before the law; subsection 2 in turn states that *Greek* men and women have equal rights and obligations. This evidently does not refer to nationality, since Chapters 3, 4, 5 and 7 Section 4 talk about the citizens of Greece. Therefore, it is assumed that the legislative institutions consider all of the citizens to be Greek, thus ignoring the idea of minorities. Such practice is also common in a number of other countries, such as France.

The Greek census does not divide the population into ethnic groups, because the Greek government is of the opinion that this practice would be “a throwback to the Ottoman Empire.” At the same time approximately 10% of the population of Greece are essentially of other ethnic background: Albanians (5%), Macedonians (1.6%), Macedonians of Romania (1.1%), Orthodox Roma (1.8%), Armenians (0.5%), Turkish (0.5%), Serbians (0.3%), Arabs (0.3%), Pomaks (Bulgarian speaking Slavic Muslims) (0.2%), Jews (0.05%) and others.

Greece traditionally recognises cultural and linguistic rights of the Armenian community only, which has its autonomy in these aspects, albeit limited.

Under the Treaty of Lausanne of 1923 Greece is to recognise the Muslim minority resident in Western Thrace only. The Muslim population is about 110,000 in that region which equals to 30% of its total population, whereas the total amount of Muslims in the country is 130,000 (the number comes from the official statistics, while some researchers assume the total Muslim population to be between 140 and 150 thousand).

Nevertheless, the other ethnic minorities, like the Turkish, the Pomaks, as well as Macedonian Slavs and Roma, do not have the right for ethnic self-identification, the cultural and linguistic autonomy. The officials in Athens see the representatives of these minorities as basically “Turkishised” and “Islamised” Greeks.

In 2008, the verdicts of the Greek courts of first instance in Macedonia and Thrace on denying registration of social unions whose name contains the word “Turkish” were declared illegal by the European Court of Human Rights. Greece is currently appealing this decision.¹

As a result of the Treaty of Lausanne of 1923, the Muslim minority of Western Thrace received the right to keep their religion and language. Under the Sections 43 and 45, The Greek government has guaranteed the possibility of public education in their “native language” in regions of their residence.² However, the government sees the Muslim population as of Turkish origin and therefore Western Thrace recognises only Turkish and in some instances Arabic as the “native language.” Thus, despite the fact that some Muslims’ native language belongs to the Slavic languages group, education does not always correspond to the obligations of Greece. This sort of politics has led to the strengthening of the Turkish language at the expense of the Slavic culture. Therefore, there is a reason why the Pomak community of Western Thrace has become so heavily influenced by the Turkish culture. Starting from the 1990’s under the influence of the EU and anticipating the strengthening of Turkish influence on the region, Greece decided to straighten the situation by stimulating the increase of the Pomak self-identification as well as their language and culture.

The Muslim population living in the central parts of the country cannot enjoy the same treatment.

There is no legislation for the rights of minorities in Greece. The country has not joined any fundamental conventions promoting their rights, since it refuses to recognise the existence of minorities.

In addition, there is no separation between the Greek Orthodox Church and the state, which means that the Muslim residents to encounter various obstacles and limitations of their religious rights. In particular this affects the establishment of non-Orthodox religious institutions for both practice and education purposes.

Article 13(2) of the Constitution states:

“All known religions shall be free and their rites of worship shall be performed unhindered and under the protection of the law.”

Yet the same article prohibits “the practice of rites of worship that offend public order or the good usages” (the latter, however, is not defined) and proselytism.

The emphasis on popular religions also appears in Chapter 3 of the Constitution, as well as in the Article 14(3), which talks about the unacceptability of “an offence against the Christian or any other *known* religion.”

Such constitutional positions provide the opportunity for misuse and are directed against the so-called “religious sects.” Any non-traditional religion in Greece risks falling under this category.

In 2010, Greece passed Act 3838/2010 — “Current provisions for Greek citizenship and political participation of repatriated Greeks and lawfully resident immigrants and other adjustments.” The Act explicitly states that even foreigners legally resident in Greece are not to participate in elections either actively or passively.³

- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

No such legislation exists in Greece.

- Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.

No such cases were observed in 2012.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health-care, worship, etc.

The estimated population of national minorities in Greece is 500,000, majority of whom do not have the status of minority and thus cannot enjoy the rights and freedoms guaranteed by the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. Both documents are not ratified by Greece. Apart from the Turkish (religious) minority in Western Thrace and partially the Armenian community, no other minority has their rights taken into account by the Greek government.

Meanwhile, in 2012, there was a reduction of the amount of Turkish schools in Western Thrace. 14 schools were shut down due to a rul-

ing on state funding cuts in education.⁴ The Ministry of Education was quite obscure in explaining these actions — it was said that the reason was based on “the specific factors which had been taken into account during the establishment of the minority school status in Western Thrace, as well as general principles regarding the development of schools.”

The government created a rumour that there was an excess of schools in Western Thrace and that there were not enough students for all the schools. According to the 2013 agenda, 12 more schools are to be closed that year. This particular statement is invalidated by that fact that the Muslim population is actually increasing in the region.

The parliament of Greece has attempted to pass an act on appointment of imams in mosques and public schools of Western Thrace since 2007. Under the Treaty of Lausanne of 1923 this issues should be addressed by the Muslim community. However, the central government prefers to choose religious leader from the centre, therefore the candidates and the leaders would basically become a government employee. According to the draft statute, an imam would be chosen by a special committee consisting of Christian priests who are paid from the state budget. Even though the act was not passed in 2012 due to a strong opposition on behalf of the population, 30% of whom are Muslims, the possibility of the act being passed in 2013 is very high.

In 2012, the appointment of a mufti of Western Thrace led to a conflict. The government refused to recognise the status of the appointed mufti Ibrahim Sherif, explaining that the appointment should performed by the central ruling institutions. Turkish Prime Minister Bekir Bozdog aggravated the situation during his visit to Xanthi (Western Thrace). After receiving representatives of the Turkish association, he said that the appointed muftis contradict the conditions set in the Treaty of Lausanne and even the laws of Greece, and thus their status is not valid.

A special amendment of 2012 prohibits teaching of Quran in the schools of Thrace, which is a direct violation of the Treaty of Lausanne.

During his speech in Cairo, Ahmet Davutoglu, the Turkish Minister of Foreign Affairs, said that the Turkish minority in Greece “cannot choose its clergymen and teachers independently, do not have the right to create social organisations or enjoy equal rights to employment, education and political participation as native Greeks.” Interestingly, for the first time the Minister also brought up the subject of the Turkish minority in Dodecanese Islands. He talked about how the rights of the minority promised by the Treaty of Lausanne are not taken into account at all.

In 2012, there were several cases of discrimination against Roma in Greece. According to the report by Amnesty International, the Roma children are taught separately from other children in the school environment, sometimes they are expelled, the Roma families are evicted or threatened to be removed from their settlements without any appropriate housing offered in return.

On December 5, 2012, a 15-year Roma settlement that consisted of 16 barracks located near Karakonero (Rhodes island) has been demolished.⁵ A few months prior to that, the judge of Chalandri city (Attica region) had prohibited the government’s decision to demolish 42 Roma barracks.⁶ Similar situations took place also in August. The cases of abuse of official power were observed throughout 2012.⁷

In December, the European Court of Human Rights stated that the Greek government’s unwillingness to find public school places for the Roma children in Aspropyrgos was an act of discrimination (“Sampanis and Others v. Greece”). This was already the second time Greece was found guilty of violating the European Convention on Human Rights regarding the segregation of Roma children in the schools of Aspropyrgos.⁸

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Discriminatory legislation affecting minorities residing in Greece in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5
-	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin	0
-	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication	0
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5
	Total for section 1	-10

2. Xenophobia and inflammatory statements of the authorities and media

In general, inflammatory statements were attributed to the MPs representing the Golden Dawn party. However, similar sentiments were also noted in the media, involving some professional athletes. Some of these cases are described below.

In September 2012, after the riot in Rafina city market, when the Golden Dawn activists destroyed the market pavilions belonging to foreign traders, Giorgos Germenis, the party founder and the leader, stated, “We saw a few immigrants who were working there illegally, and we did what had to be done. And now we are going to church to pray to Saint Mary.”⁹ These words are now the symbol of Greek neo-Nazism everywhere in the world.

Ilias Kasidiaris, a representative of the Golden Dawn party, gained publicity in the media after his fight with female politicians. The incident happened during the televised debates. Ilias expressed his nationalistic attitudes when he read segments from the Protocols of the Elders of Zion during a parliamentary session in October 2012. The Protocols are a hoax produced by the Russian secret police between the late 19th and early 20th century, and are currently viewed as the primary source of the anti-Semitic theories.¹⁰

On October 23, leader of the Golden Dawn party Nikolaos Michaloliakos caused uproar when he greeted the youth supporters of his party with a Nazi salute. “These hands may occasionally greet you like this, but these hands are clean, not dirty. They haven’t stolen anything,” he said.¹¹

Paraskevi Papachristou, a 23-year old triple jumper and a member of the Greek Olympic team, posted some offensive statements regarding the African people living in Greece via her Twitter account. “There are so many Africans in Greece that the mosquitoes from the West Nile at least get to have some homemade food!” — She wrote. Eventually she did admit that her statement was “a poor joke and in bad taste.” After Papachristou was expelled from the national Olympic team, she received support from the Golden Dawn party, which publicly objected to this decision.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Xenophobia and inflammatory statements of the authorities and the media	-5
	Total for section 2	-5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators:

- Presence of anti-Nazi, anti-racist, anti-extremist legislation, and legislation directed against incitement of ethnic and religious hatred in the country.

Article 5(2) of the Greek Constitution states

All persons living within the Greek territory shall enjoy full protection of their life, honour and liberty irrespective of nationality, race or language and of religious or political beliefs. Exceptions shall be permitted only in cases provided by international law.

Article 79 of the Criminal Code establishes that “damage caused due to ethnic, racial, religious hatred or due to non-traditional sexual orientation of the victim is an aggravating circumstance.” Section 7 of Chapter 2 of the Criminal Code provides that incitement of religious hatred, blasphemy, abuse of Orthodox priests and religious activists of “tolerated” religions in Greece are a subject of criminal charges.

Act 927/1979, “Penalties for action or activity directed towards racial discrimination” are used in combating racism, with amendments introduced by the Act 1419/1984 (Article 24) and the Foreigners Act 2910/2001 (Section 72).

According to the section 1.1 of Act 927/1979 “any incitement of activity premeditated and public, spoken or written, including in the media, that can lead to discrimination, abuse and hatred towards certain persons or groups of persons based on racial or national origin or religious views [provided by Article 24 of the Act 1419/1984]” is punished by imprisonment of maximum two years or a fine.¹²

Affiliation with an organisation, whose aims are propaganda or any other activity promoting racial discrimination, is also punishable by a two-year imprisonment or a fine according to the Act.

Section 3 of Act 927/1979 states that refusal to provide services or to sell products based on racial attitudes is punishable by a year of imprisonment or a fine. The Act also provides that provocation or coercion into commitment of hatred crimes are subject to criminal charge.

The inadmissibility of more or less any form of discrimination are mentioned in a range of other laws and legal acts of Greece, such as the Civil and Administrative Codes, Employment Act and even the Provision 1 of the National Council for Radio and Television “On journalist ethics and advertisement on radio and television” and others.¹³

The Council Directive 2000/43/EC on “Implementing the principle of equal treatment between persons irrespective of racial or ethnic origin” and the worsening xenophobic attitudes in Greece, as well as the increased hate crimes forced the Greek government to impose more severe penalties for these crimes and to improve on the legislation regarding racism.

Eventually in February 2011, the Ministry of Justice presented a draft legislation that was to replace the Act 927 of 1979. An act on “Combating certain forms and manifestations of racism and xenophobia through the Criminal Law” appeared in December 2011. The Act presented a section on liability for denial of Holocaust, which was passed during parliamentary voting session.

The consideration of the draft law was first postponed due to the upcoming parliamentary elections. In 2012, the rate of hate crimes had increased, forcing the Minister of Justice and the Minister of Public Order to present the draft act for consideration the second time at the end of the year.

Liability for the incitement of racial abuse and spreading the ideas of racism, Holocaust and other crimes against humanity was introduced to the act. It was proposed to increase the imprisonment period to six years and the fine up to 20,000 EUR.

The act, however, did not pass the second time either. Debates between the coalition partners established an apparent fact: a separate act against “racial intolerance” would not receive a sufficient amount of votes, because the Prime Minister Samaras’ ruling party “New Democracy” did not see the need for this act. In the view of the “New Democracy” party, this particular act contradicted the Constitutional provisions on the freedom of speech.¹⁴ Looking ahead it can be said that the act it was not accepted as of May 2013, despite the numerous amendments.¹⁵

- Presence and improvement of anti-discriminatory legislation.

The anti-discrimination Act 1414/1984 was already passed in 1984, however its scope covered only the private sector.

Due to a range of the EU directives regarding discrimination that were adopted in the early 2000s,¹⁶ Greece passed the Act 3304/2005, combating employment discrimination on grounds of gender, racial and ethnic background. The scope of this act also covered the public sector. The act introduces the legal terms of direct and indirect discrimination, and it prohibits discrimination based on religious beliefs. In compliance with the EU requirements, the Act also prohibits incitement of discrimination and discriminatory instructions.

- Compliance of the authorities (central regional, municipal), the law enforcement and judiciary, with anti-Nazi, anti-racist and anti-extremist legislation. Compliance with anti-discriminatory legislation and legislation directed against the incitement of ethnic and religious hatred.

In general, the Greek antidiscrimination legislation, as well as the legislation against incitement of inter-ethnic hatred, remained underdeveloped. Failure to recognise minorities leads to insufficient antidiscrimination practice. Failure to pass the new antiracist legislation caused certain problems regarding prevention of hate crimes, and the parliamentary majority did not see the necessity in aggravating the criminal penalties for racism in 2012.

In 2012, those who committed racist offences were mainly prosecuted for assault by the law enforcement. In addition to that — most of these crimes were classified as domestic violence. Only nine crimes in 2011 were brought into the prosecution office in Athens as hate crimes.¹⁷ Therefore the cases of discrimination themselves are rarely considered a subject for a court trial.

Often the culprits of such crimes are the police officers themselves. 25 such cases were observed in 2012. The Greek National Commission for Human Rights registered the increased frequency of officials abusing their employment duties and thus acting illegally and abusively during their scheduled inspections.¹⁸

Meanwhile, Greece has distinct obligations in the area of the international law; it is bound to undertake efficient measures to prevent violence on the grounds of racism and xenophobia, to perform investigations of such crimes and to punish those liable for these atrocities. Theoretically, Greece possesses all of the law enforcement tools against racism, including the police control. Due to the EU requirements, Greece amended the Criminal Code in 2008, introducing racist motives as an aggravating factor in a crime.

Understanding that full compliance with the anti-racism legislation leaves a lot to be desired, the Ministry of Public Order and Citizen Protection presented an initiative in 2012, which proposed to introduce departments dealing with racism issues within the police institutions of Greece (132/2012)

On December 7, 2012 a Presidential decree on creation of the department “preventing hate crimes committed on racist, ethnic and religious bases, and prosecution of criminals guilty of such crimes” was announced,¹⁹ and “the service against racism and intolerance” investigating hate crimes was founded in January 2013.

Various acts on creation of a range of official institutions were passed in order to combat employment discrimination. The institutions

include the Ombudsman's Commission, Labour Inspection and Committee for Equal Treatment.²⁰ The compliance with legislation in this area is better, yet in 2012 a few cases of discrimination were observed. Some of those cases are about discrimination of Roma, after Greece was held guilty in segregation of Roma school children in the city of Sophades (in Thessaly) during the trial at the European Court of Human Rights,²¹ the country officials admitted the existence of "ethnic segregation" problem, as well as the fact of violation of the right to education of the citizens.

Thus, it can be said that anti-racism and anti-discrimination legislation was complied with only partially in 2012.

- Counter-actions against hate crimes (criminal cases against organisers and participants, convictions).

Punishment of violent racism seldom happens. It is also known that a lot of members of security service and police of Greece support the neo-Nazi Golden Dawn party, which has 18 seats in the parliament. The party struggles against the left wing and anarchists. After the June elections in 2012, "To Vima" newspaper published evidence that at least 50% of police officers support the party. The elections held in May confirmed this fact. The newspaper also raised questions regarding the government's perception of this state of affairs and political leanings of the security service.²²

According to the "Human Rights Watch" report in 2012, there were some attempts to remove abuse on grounds of racism. In April 2012, an interagency task force was founded in order to discuss any measures that would raise police awareness regarding xenophobic violence. Another purpose of the organisation is to perfect the system of recording of hate crimes.

These regulations involved specific recommendations in conjunction with the criminal law, as well as creation of a single centralised database in the Ministry of Justice. In April 2012, the Ministry of Justice assigned the General Prosecutor to work out specific regulations for prosecutors in order to ease the decision making regarding abuse on grounds of racism. Other aspects of discussion involve reforming the criminal legislation in order to specify the aggravating circumstances regarding racism.²³

In 2012, three members of the Golden Dawn party had lost their parliamentary immunity. In October, the Greek parliament voted to deprive Giorgos Germanis and Panagiotis Iliopoulos of their immunity for their involvement in the September Rafina market riot. Another parliamentary member who lost this privilege was Ilias Kasidiaris, notorious for assaulting a female politician during live television debates

in May 2012. He, however, did not lose parliamentary immunity because of this incident, but for being an accomplice in robbery and assault in 2007.²⁴

These cases, however, are isolated. There is an apparent imbalance between the amount of committed hate crimes and the recognition of these crimes by the Greek police. As mentioned before, hate crimes committed by police officers are very common.

Therefore, the struggle against hate crimes is limited.

- Unlawful use of anti-extremist legislation.

One of the examples of wrongful administration of anti-extremist legislation in Greece in 2012 is the case of a 27-year old local blogger, who published a satirical page dedicated to Elder Paisios of Mount Athos in Facebook. Elder Paisios (1924–1994) is very much venerated in Greece and other Orthodox countries, some even consider him a saint. The blogger was accused of blasphemy.²⁵ “The liberal EU proclaims freedom regarding publishing of caricatures on (Prophet) Muhammad, but this does not work with the satire directed at Christianity” — such was the evaluation of the case on behalf of the Greek blogosphere.

Another case of misuse of the criminal legislation is the 2012 arrest of Kostas Vaxevanis, a famous journalist of the “Hot Doc”. He publicised a secret list of famous citizens of the country, who have hefty bank accounts abroad. This document was called “the Lagarde List” after the former French Minister of Finance Christine Lagarde, who handed over the list to the Greek government. Currently Lagarde is the head of International Monetary Fund. The article by Vaxevanis did not reveal the exact amounts of money in the banks accounts, but mentioned that some of the accounts contain up to 500 million EUR each. Furthermore, many people mentioned in the list are suspected of tax evasion.

Similar cases took place in Greece previously. For example, an air traffic controller of the “Macedonia” airport in Thessaloniki was arrested for insults he posted in the Internet. The insults were directed at Prime Minister Papandreou and his family. Therefore, it can be observed that freedom of speech is very much limited in Greece.

There were cases of anti-extremist legislation used against the anti-fascists. For example, fifteen anti-fascists were taken into custody after a clash with Nazis on October 30, 2012 in the centre of Athens. While first group could be accused of assault (against members of the neo-Nazi Golden Dawn Party) and resisting arrest, another four anti-fascists were arrested the next day. In a few days after the incident, the court decided to overturn the decision, and the nineteen anti-fascists were released on 3,000 EUR bail.²⁶

PRESENCE OF CRITERIA	INDICATORS	SCORE
-/×	Presence of anti-Nazi, anti-racist and anti-extremism legislation, legislation against incitement ethnic and religious hatred in the country	2.5
×	Presence of anti-discrimination legislation	5
-/×	Compliance of the authorities (central regional, municipal), the law enforcement and judiciary, with anti-Nazi, anti-racist and anti-extremist legislation. Compliance with anti-discriminatory legislation and legislation directed against the incitement of ethnic and religious hatred	2.5
-/×	Counter-actions against hate crimes (criminal cases against organisers and participants, convictions)	2.5
×	Unlawful use of anti-Nazi, anti-discrimination and anti-extremist legislation	-5
	Total for section 3	7.5

4. Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

In 2012, a number of Greek politicians made statements regarding racism. Majority of the statements were directed against the Golden Dawn party, which was represented in the parliament as a result of the last parliamentary elections. Their activity against human rights was criticised primarily. Greece also used the existence of the Golden Dawn party to receive financial assistance from the EU on a more preferential basis.

In October 2012, Greek Prime Minister Antonis Samaras stated that the economic crisis in Greece has become so severe, that there is a threat of a social catastrophe breaking out, and thus asked foreign lenders to provide financial assistance. The fact that Greece is about to collapse, according to him, is also backed up by the increase in supporters of the fascist Golden Dawn party represented in the government.

The rise of the extremist, perhaps even fascist, neo-Nazi party²⁷ can provoke the social catastrophe, according to the Prime Minister. In addition to that, Samaras emphasised that Greece cannot cut down on so-

cial needs any further; otherwise, it would risk sharing the same fate as the German Weimar Republic, where the 1930's the economic crisis led to the triumph of Nazism.²⁸

It seems that the ruling elite underestimated the election potential of the neo-Nazis, as well as their increasing popularity in the first half of 2012, and did not see any distinction between the Golden Dawn and any other parliamentary party. In the second half of the year, after their success in the elections, as well as a range of scandalous incidents regarding the behaviour of the party members during football matches, market and televised debates, the Greek politicians began criticising the Golden Dawn.

In June 2012, after a Golden Dawn member Ilias Kasidiaris assaulted the Communist Party's Liana Kanneli and Rena Dourou during the live televised debates, the Communist Party of Greece represented by the General Secretary Aleka Papariga made a statement, in which it condemned the evil action. "We assert clearly that our response to the Golden Dawn cannot be "an eye for an eye" or any other form of revenge. The people must respond first during the elections. Of course, we do not claim that everyone who voted for this party is to blame for activity and orientation of the party. Yet the people must realise that they possess a weapon — their vote, which can be used to challenge the Golden Dawn."²⁹

The attack broadcasted live was condemned by all prominent politicians of Greece, including the President Karolos Papoulias and the Prime Minister Antonis Samaras.

Dimitris Tsiodras, the Greek government representative, stated that political differences cannot be overcome through hatred, and prompted the Golden Dawn to condemn their colleague.³⁰

The Minister of Justice Antonis Roupakiotis criticised Golden Dawn after the incident in the market in Rafina. He said that the members of this party provide the conditions for the growth of neo-Fascist practices. He declared that the Ministry of Justice must consider increasing the severity of penalties for violence on grounds of racism and ethnic hatred. The parties of the ruling coalition — New Democracy, the Panhellenic Socialist Movement and the "Independent Greeks" also denounced the attacks made against immigrants.

In November 2012, Evangelos Venizelos, the leader of the oldest socialist party of Greece — the Panhellenic Socialist Movement, made a stern anti-Nazi statement and urged to prohibit the Golden Dawn party. "We have an unconstitutional, provocative party of Nazi leanings in the parliament" — he said.

A yet another irritant for the ruling party was the provocative actions of Nikolaos Michaloliakos, the leader of the Golden Dawn, who performed a Nazi salute in front of his young supporters.

Representatives of all of the main parties of Greece condemned this action. “The salute is not only provocative, it’s brazen” — thus Manolis Kefaloyannis, the representative of the centre right New Democracy party, expressed his view of the incident. Nationalists of the Independent Greeks party noted that “Nazi salutes are followed by emergence of Nazi violence”. Members of the party also said: “Everyone must understand that in the country that gave birth to democracy, anger must not turn into Nazism.”³¹

In November 2012, the Greek Orthodox Church represented by its head, Archbishop Ieronymos II of Athens, made a notable statement condemning racism. “The church loves everyone — white and black, Christians and those of other beliefs.”³² Metropolitan Pavlos of Siatista has also expressed his stance: “It is sad that some ‘Christian fighters’ identify with the Golden Dawn to protect Jesus. Jesus, who is persecuted, offended and abused by the Golden Dawn through offense and violence directed at refugees, immigrants and sometimes even children.” Afterwards, Pavlos reported that he had been threatened by the Golden Dawn.³³ Nevertheless, this sort of opposition on behalf of the religious leaders of the country was essential, as some of the bishops expressed sympathy towards the Golden Dawn, not to mention the anti-Semitic incident in 2010 involving bishop Seraphim of Piraeus, who accused Jews of provoking the economic crisis in Greece.

In December 2012, the SYRIZA alliance harshly criticised the neo-Nazi members of the Golden Dawn after the attack made on MP Dimitrios Papadimoulis. The attack took place during an intermission of a football match at the Olympic stadium in the north area of Athens. Papadimoulis’ calls for help were heard by some spectators who then intervened, making the attackers flee. Politician received first aid and there were no serious injuries. The coalition of left-wing parties SYRIZA demanded an immediate arrest and prosecution of the attackers. They are of the opinion that “tolerance to the fascist organisation, Golden Dawn, would eventually lead to death of people and destruction of democracy”. The attack was condemned by all other parliamentary parties, as well as the official representative of the government — Simos Kedikoglou.

In May 2012, Demetris Christofias, then-President of Cyprus, expressed his concern about the Golden Dawn being represented in the parliament. He stated that he felt “appalled and terrified” when he found out that an explicitly Nazi party had received 7% of votes in the elections.³⁴

In August 2012, due to an attack on an Iranian citizen the UN High Commissioner for Refugees spoke out prompting the Greek government “to take firm measures to stop the racist attacks.”³⁵

In September 2012, Nils Muiznieks, the Commissioner for Human Rights of the Council of Europe, was addressed with a plea signed by more than 18,000 Greek people, who were worried about the increase in attacks due to racism. The letter requested an intervention into the criminal investigations regarding the Golden Dawn. The plea also stated that the documents published on the party’s website had explicitly racist mottos similar to the ideas of Nazism and fascism; and that during the period between June and October of 2012 police had registered 17 cases of violence against immigrants at the hands of the followers and members of the Golden Dawn.

The existence of this letter shows concern about the rise of the right-wing radicals on behalf of a vast part of population on one hand, and on the other — the unsatisfying reaction of the government to the phenomenon.

Eventually, on December 10, 2012, the Commissioner and the European Commission against Racism and Intolerance addressed the public with a statement on “The racist and xenophobic activity in Greece,” which described the Golden Dawn as a neo-Nazi, racist and xenophobic political party represented in the parliament. It was mentioned that the party has created a negative atmosphere in the Greek society and imposed fear upon immigrants and other vulnerable social groups.³⁶

The statement of the ECRI was the result of Greek citizens’ plea to the Commissioner for Human Rights of the Council of Europe. At the end of January, he made an official visit to Greece, followed by a report on the state of affairs in the country.

On December 16, mayor of Athens Giorgos Kaminis made a speech at the anti-racist rally. “It is important that all of you came from all around the world to take part in this silent march towards Acropolis and Parthenon and to show the world that here in Athens we have united in the struggle against racism,” during his speech at an anti-racism event.³⁷

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
	Total for section 4	5

5. Activities aimed at promoting tolerance and preventing extremism

In 2012, there were numerous anti-fascist manifestations in Greece. The government also took steps towards the development of tolerance and prevention of racist attacks.

As of December 2011, the government strives to pass a new anti-racist legislation — an act on “On combating of certain forms and manifestations of racism and xenophobia via criminal law.” The project failed to pass in 2012, despite the fact that it went through several editions, and was sent for consideration to the parliament on three occasions.

On December 7, 2012, a Presidential decree on creation of the department on “preventing hate crimes committed on racist, ethnic and religious bases, and prosecution of criminals guilty of such crimes” was announced.³⁸ In January 2013, “a service against racism and intolerance” was founded, aimed at the investigation of hate crimes.

In 2012, the European Network Against Racism (ENAR) published a report on “Hidden forms of racism and discrimination in Greece,” which was developed by the Greek association of migrants “Adla Shashati.”³⁹

On December 19, 2012, the Declaration of art and science representatives in Greece appeared in the Internet. It was most likely developed by one of the anti-fascist organisations in the country.

In the summer of 2012, the Ministry of Health expressed a strong protest against an initiative of the Golden Dawn party, who tried to introduce “an anti-immigrant blood bank” in one of the hospitals in Athens. The idea behind it was to provide “pure blood” for ethnic Greeks from ethnic Greeks. The Ministry’s statement claimed that this plan was “mad, unscientific, illegal and racist.” This initiative of the Golden Dawn was called “inhumane discrimination” because if “someone happened to be in need of blood they would have the right to receive a transfusion no matter who they are.”⁴⁰

Greece had several anti-fascist and anti-racist demonstrations in 2012. For example, on June 9 the protest demonstrations took place in Athens, Thessaloniki, Patras and a number of other cities, as well as in Crete, where left-wing parties, unions, immigrant organisations spoke against “racism and the fascist threat.” On August 25, an anti-fascist demonstration was held in the centre of Athens against the increasing wave of nationalistic terror, murder of immigrants and police racism. The triggers for this were the mass punitive actions directed against the immigrants and refugees, particularly the murder of one of the immigrants in the centre of Athens at the hands of the Golden Dawn’s neo-Nazis. On September 1, an anti-Nazi demonstration was held in Athens, it is estimated that 2.5 thousand people took part in it.⁴¹ A few days prior to that, there was an anti-Nazi demonstration in Thessaloniki. Another protest march against the Golden

Dawn also took place in Thessaloniki on December 18. According to the organiser of the event and head of the European Anti-Racist Movement Benjamin Abtan, the march conveyed a message not only to Greece, but also to the whole European community: “This demonstration is just the beginning of the struggle against the European neo-Nazism.” Various intellectual representatives have participated in the march, including Nobel laureates such as Dario Fo and Bernard Kouchner.⁴²

In 2012, a series of racist attacks in several Greek cities prompted an initiative to develop anti-fascist patrols that would counter the so-called “national watch” (ομάδες πολιτών) and protect citizens from neo-Nazi attacks.

In December 2012, 265 Greek students studying in German schools made a political statement. They wrote an open letter condemning racism, the Golden Dawn attacks on immigrants in Greece. The letter from students from Munich, Stuttgart, Frankfurt, Dusseldorf, Cologne, Leverkusen, Bochum, Essen and Gutersloh was published in the “Rizospastis” newspaper, stated, “We are Greek school students in Germany. Most of us were born here. Our families were forced to immigrate to Germany in previous decades due to the difficulties and also now because of the crisis in Greece. As the children of immigrants in Germany, we know from experience what racist violence means, what Nazism means. We and our families have faced the activity of Nazi organisations in Germany like ‘Golden Dawn’ on many occasions, organisations which attack foreign workers living and working in Germany. Racist violence does not distinguish between legal and illegal immigrants; it has only one goal: to divide the peoples, the workers, the youth so that they don’t see what is really responsible for their problems.” At the end of the letter, the students addressed likeminded people to counter the Nazis. They wrote, “We want you to know that every time the Nazi ‘Golden Dawn’ in Greece chases immigrants and strikes against school students who are struggling, it gives an excuse for similar fascist organisations in Germany to attack us and our parents in a similar or an even worse manner.”⁴³

At the same time, no educational actions aimed at countering the hatred between the Greeks and foreign nationals were observed during the monitored period. This is explained by the fact that Greece does not recognise minorities.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Activities aimed at promoting tolerance and preventing extremism	5
	Total for section 5	5

6. Immigrants' standing in the society, society's attitude towards immigrants, foreigners, various ethnic groups

Indicators

- Presence and improvement of immigration law.

According to official data, there were over a million foreign residents in Greece in 2012. However, unofficial sources estimate that there is three million of just illegal immigrants.⁴⁴

Up until 2005, the issues on immigration regulation were covered by Act 2910/L2-5-2001, aimed at regulating the legal status of illegal immigrants. Another purpose of the Act was to limit the flow of illegal immigration through setting stricter measures of internal and external migration control. Foreign citizens were to obtain two documents — a residence permit and a work permit. At the same time, employers had more obstacles in recruiting foreign workers.

In 2005, Greece updated the immigration legislation in order to comply with the requirements set forth by the EU — the Act 3386/2005 was passed, which includes recommendations of a few EU Directives, in particular the Directive 2003/109/EC regarding foreigners having a permanent residence permit (one must reside in the country for a continuous period of 5 years, the beginning of this period is counted from as early as 2001).

This Act also includes the recommendations of Directive 2003/86/EC regarding reunion of family. In particular, the Act prohibits the deportation of pregnant women for a period of up to 6 months after giving birth; the requirements regarding income in order to admit family members into the country as part of the family reunion programme have increased. The procedures on integration of immigrants have been simplified (it was decided to issue a permit encompassing both residence and work, which would last a minimum of 2 years and issues by the local authorities).

In addition, this Act also allows foreign citizens to obtain permanent residence. Immigrants resident in Greece for a continuous period for over five years can apply for a permanent residence permit. In order to be eligible for the permit, one must have a “stable and regular income,” medical insurance and accommodation, which “meets the requirements of public health”; a foreign national must also be “sufficiently” fluent in Greek language and have knowledge of Greek history and culture. An Inter-Ministerial Committee has been legally founded in order to control and coordinate the immigration policies. This committee involves the ministers of the interior, public administration and decentralisation, economics and finance, foreign affairs, national security, employment and social security, justice and public

order, as well as maritime trade. The Committee aims to coordinate the General Action Plan dedicated to social integration of foreign citizens in Greece.

Some provisions of Act 3386/2005 were amended in 2007 (Act 3536/2007 “Resolution of migration policy issues and other aspects in the competence of the Ministry of the Interior, Public Administration and Decentralisation”). Under the new law, the National Committee for Social Integration of Migrants has been established. In addition, the criteria for immigrants legally resident in the country prior to 2004 have been specified.

Nevertheless, as it can be seen from the last few years, this legislation does not completely resolve the immigrant problem and it has become more evident during the recession.

Greece has not acceded to a number of international agreements and conventions on issues regarding naturalisation of foreign nationals and their participation in the social life of the country. Primary examples of such agreements are the European Convention on Nationality 1997 and the Convention on the Participation of Foreigners in Public Life at Local Level 1992. Instead, the Act 3838/10 “Current provisions for Greek citizenship and political participation of repatriated Greeks and lawfully resident immigrants and other adjustments” passed in 2010 was meant to compensate for it, yet it contains a number of limitations preventing the acquirement of citizenship through naturalisation, it also contains an element of racial discrimination (see below).

Commissioner for Human Right Nils Muiznieks emphasised the inconsistency of the Greek immigration legislation in his report. He noted that it has potential for development of efficient measures directed at preventing racial and other forms of discrimination coming from certain persons and political institutions. The Commissioner urged the government to speed up the modernisation of the legislation, paying special attention to racism, as well as conduct a continuous and systematic training of police officers, coast guard, prosecutors and judges in order to increase the awareness of committed hate crimes.⁴⁵

Therefore, the immigration legislation in Greece is found to be underdeveloped. The level of adjustment of the national legislation in Greece to the uniform European legal norms remains very low in comparison to the rest of the EU.

- Authorities’ compliance with such legislation (law enforcement practice).

This part of the jurisdiction is only partially effective. While providing very decent implementation of the social element of the legisla-

tion the executive shows very poor compliance with the immigration legislation regarding the matter of countering illegal immigration. Greece, located on the Mediterranean Sea, as well as Italy, Malta and Spain, is the final destination of many immigrants who cross the sea border illegally.

Meanwhile, in the last few years Greece has been turning into a country that is crossed by a heavy flow of immigrants from Asia and Africa. There are two main routes — one of them is land based across the border with Turkey near the river Evros, the other one is through the Aegean Sea.

The Greek law enforcement do not take sufficient measures to prevent the illegal immigration from the Middle East and North Africa to the Central and Western European countries, such as Italy and Turkey. According to data provided by the European Commission, 75% of illegal border crossing in the Schengen area takes place exactly at the border between Greece and Turkey. Human trafficking groups have almost unlimited opportunities for their criminal actions. In 2012, the majority of illegal immigrants were Afghans and Pakistanis. A number of them headed to the Western Balkans or went straight through Greece to Italy. Previously, the majority of illegal immigrants were coming from Albania, however this changed since the EU introduced visa-free travel with Tirana in December 2010.

It has to be noted that Greece often faces these problem alone, without the support of other EU member states. However, illegal immigration via the sea has dropped in comparison to 2007–2009.

Many immigrants manage to obtain a temporary residence *without right to work*, despite the requirements of the law. This leaves them without any legal income, which in turn leads to increasing criminal rates.

The Act 3838/10 provides the legally residing immigrants and foreigners with the right to vote and be elected in the local elections. However, the Act only talks about foreigners of “Greek origin,” which discriminates against the non-Greek foreigners legally residing in the country. This this was also emphasised in the report prepared by the EU Commissioner for Human Rights Nils Muiznieks.⁴⁶

However, in December 2012 the Greek government declared a moratorium on granting of citizenship in the country. The Ministry of the Interior announced that the whole application process will be put on hold, including consideration, oath of citizenship and registration. The moratorium was caused by the decision of the Greek Supreme Court, which abolished the 2009 Immigration Act that allowed the children of immigrant families to acquire the Greek nationality. The overturn of the Act was included in the manifesto of

the centre right New Democracy party. Leader of the party, Antonis Samaras, consequently became the Prime Minister after early elections held in June 2012. Golden Dawn was also seeking to achieve similar goals.

- Discriminatory practices against immigrants.

Discriminative practices are usually directed at the illegal immigrants, yet there are some violations regarding the status of the legally resident immigrants. For example, Act 3838/10 prohibits the participation of the non-Greek foreigners in the elections. In addition, the recovery of the rights of non-Greek nationals who have lost their Greek citizenship due to not residing in the country for a long period has been ignored for years.

The work regarding refugees is also organised poorly, ultimately due to lack of trained personnel and a vast amount of refugees from Asian and African countries. According to Amnesty International, the administration of immigration police in Attica and Athens accepted only around 20 applications a week. Persons trying to enter the country via Evros reported that the applications were sent back.⁴⁷ The construction of a 10 km long dividing wall at the Greek Turkish border in December 2012 also raised many questions. As a result, many people requiring international protection may be in danger. Another discriminative regulation has been introduced in April, allowing the government to detain refugees that are suspected to have infectious diseases.

Another provision on increasing the maximum period of refugee detention to one year (six months previously) was passed in 2012. The conditions in which the refugees are held are described as unsatisfactory by the inspectors.

In March 2012, the European Committee for Prevention of Torture officially condemned the ongoing practice of harsh treatment of arrested immigrants in Greece.

In July 2012, the Human Right Watch published a 92-page report dedicated to the issue of violence on the city streets, which ultimately speaks of the police and judicial institutions of Greece and their failure to efficiently deal with the increasing abuse of immigrants. The organisation conducted a survey of 79 immigrants, refugees and foreign residents from different areas of Athens, who have come to Greece from various countries including Afghanistan, Bulgaria, Congo, Ghana, Egypt, Iran, Morocco, Pakistan, Senegal, Somalia and Sudan. It was revealed that 51 people were attacked. One of the segments of the report speaks of this in detail: “In May 2011 a few days after the murder of the Greek citizen Manolis Kantaris in the centre of Athens an action of revenge took place — various Greek gangs hunted down the immi-

grants and refugees in the streets, pulled them out from public transport and without any distinction assaulted and cut them.”⁴⁸ On top of that, the police did almost nothing.

The practice of granting temporary residence permit to foreigners without work permit leads to an increasing number of poor immigrants, who end up living in abandoned houses in the centre of Athens, in public parks and squares in extreme poverty. This promotes the increase of crime and evokes the negative attitudes of the locals.

Many questions are raised regarding the Greek government deporting illegal immigrants. The national police operations aimed at arresting illegal immigrants and their deportation caused harsh criticisms. Amnesty International issued a statement which condemned the arrest of 7.5 thousand “illegal” immigrant in Athens only (the Greek government previously revealed the number of arrests being around 3 thousand).

Cases of abuse of official powers were observed throughout 2012. Tension has increased after the politicians decided to demolish Albanian Roma settlements and chase the Roma away. The instructions were given by the Prime Minister Antonis Samaras on August 17, 2012. The local government also supported this decision.⁴⁹

- Use of “ethnic crime” topic in order to discriminate against immigrants.

Illegal, and sometimes even legal, immigrants are often deprived of rights and legal income, which provides substantial grounds for the increase of crime rate in Greece. This issue worries the electorate, which is then successfully manipulated by the radical nationalists of all forms.

The idea of “ethnic crime” is the fundamental topic in a range of motivations and even neo-Nazi manifestos. As mentioned above, the murder of the Greek citizen became the reason for persecution of immigrants and refugees in the centre of Athens in May 2012. The riots at the markets in the cities of Rafina and Mesolongi were also justified with “ethnic crime” by the instigators. Interestingly, a number of police officers sympathise with the Golden Dawn because of their struggle against “ethnic crime” while the government does nothing.

- Social welfare for immigrants.

The social service system is sufficiently developed in Greece, while the assistance provided to legal immigrants is not much different from the Greek citizens. Under the existing legislation, the legally residing immigrants have the same healthcare rights as the citizens. Immigrants with an unstable status and underage children have the right to receive

emergency medical help. Immigrants who have HIV and cannot receive free healthcare in their country of origin are provided with a Greek residence permit and free healthcare.⁵⁰

According to the International Organisation for Migration, basic secondary education (nine years) is compulsory for every Greek resident, including immigrant children. Children must attend school regardless of their parents' immigration status. Some schools offer additional Greek language courses for these children. The Ministry of Education also founded 26 schools with the inter-cultural element of tuition in order to educate children of other cultural and ethnic background.

Legal foreign residents in Greece also have the possibility to attend the so called "second chance schools," which accept people between the ages of 18 and 30 who do not have basic secondary education. Older immigrants can attend free courses for adults organised by the General Registry of Adult Education (Ministry of National Education). Unemployed immigrants can participate in programmes of professional education led by the Organisation of Employment Cooperation together with centres for professional education, which are financed by the EU.⁵¹

In 2012, the economic crisis forced Greece to cut back on social benefits and wages in the public sector. Unemployment benefits were decreased by more than a half, similar to other social benefits. Legal immigrants, however, have the right for medical insurance, partially paid holidays, and partial housing benefits, which are paid annually as a percentage of their housing costs. Immigrants who have lost their jobs also receive benefits and a one-off low-income allowance. It is evident that the legally working immigrants are bound to pay taxes and national insurance as any other Greek citizen.

- Negative attitudes towards immigrants, foreigners, different ethnic groups.

In September 2012, "To Pontiki" newspaper published the results of a survey that revealed that the amount of people supporting the Golden Dawn party increased by 10.5%. Nonetheless 67.7% of Greeks demand the party to be dissolved.⁵² In October 2012, the publication "Hellas" published a scientific study conducted by one of the universities that revealed that at that time the party was supported by 14% of voters, which placed it third in the overall amount of votes in the parliament.⁵³

It is apparent that the individuals voting for the Golden Dawn are of radical nationalist views. The xenophobia virus has spread to different areas of the Greek society. Since the 1990's Greece experienced a large inflow of immigrants due to the fall of the Iron Curtain in the Balkans (in Albania, especially), and socio-economic problems in Africa

and Asia. Greece has taken unprecedented actions twice (in 1989 and 2001) by legalising hundreds of thousands illegal immigrants at once. This was considered as a successful policy — money did not have to be spent on deportation and thus increased income to the retirement funds. However, a number of immigrants applied for social unemployment benefits and others had to compete with the Greeks for employment right at the start of the economic crisis.

Consequently, Greece who used to provide immigrants for job markets across Europe now became the destination for immigrants from other countries. Nowadays the number of immigrants in Greece is over a million, which is 10% of the overall population. Along with Italy and Spain, Greece is now one of the most popular countries for Asian and African refugees to cross the border illegally. In 2012, roughly 9 out of 10 illegal immigrants from African countries chose exactly this route. It is estimated that 130,000 people cross the border illegal on a yearly basis.⁵⁴

All of this has led to an abrupt increase in xenophobic attitude. In June 2012, Icap & την BaaS company conducted a sociological survey dedicated to the society's view of immigrants.

68% of participants expressed the idea that Greece would be better off not accepting immigrants from the less developed countries. In 2011, this opinion was shared only by just 59% of respondents. 72% of Greeks think that it is best to keep away from immigrants. Only 33% of participants would treat both citizens and immigrants the same way regardless of their racial, ethnic and religious background.⁵⁵

PRESENCE OF CRITERIA	INDICATORS	SCORE
-/×	Presence and improvement of immigration laws	2.5
-/×	Authorities' compliance with such legislation (law enforcement practice)	2.5
×	Discriminatory practices against immigrants	-5
×	Use of the "ethnic crime" theme in order to discriminate against immigrants	-5
×	Social assistance for immigrants	5
×	Negative attitude of the society towards immigrants, foreigners, various ethnic groups	-5
	Total for section 6	-5

7. Incitement of ethnic and religious hatred

Indicators

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

Calls for violence against immigrants were especially pronounced during the second half of 2012. The majority of these originated from the Golden Dawn party and other affiliated organisations.

Just before the elections in April 2012, one of the Golden Dawn leaders Giorgos Germenis, known for his participation in the attack on immigrants in the market of Rafina, defined the manifesto of the party by stating that “Greek industry needs to be revived. Smoke needs to come out of the factories’ pipes, and all the illegal immigrants need to leave the country; if all 3 million of them leave, we would have 3 million new jobs.”⁵⁶

The Greek media was one of the main promoters of the idea that illegal immigration is the main problem of the country. Since 2011, all of the main television channels and publications produced reports on this issue on a daily basis.

The media also contributed significantly to Golden Dawn’s success. During the 2011 elections, the party hardly gained 1% of votes. Yet in the elections held next year, the party received 7% of votes and seats in the parliament. In early 2012, media presented the Golden Dawn as an alternative to the left-wing coalition SYRIZA, which criticises the practice of harsh economic measures and is gaining popularity. The Golden Dawn also did not miss the opportunity to use the slogans against the harsh economic measures. Unlike SYRIZA, Golden Dawn developed racist and anti-immigrant rhetoric in their slogans.

The main idea promoted by the party during that period was “Greece for Greeks!” The party also promoted other ideas during its electoral campaign, such as: “Say no to Islamisation of Greece,” “No to gay parades for a thousand year” and others.

Such political slogans could have been observed in Athens and other Greek cities after the elections as well. These slogans were signed by a range of organisations starting from the Golden Dawn and ending with the so-called “national watch,” which patrols the streets of Greece in order to prevent “ethnic crime.”

Anti-Semitism is also one of the focuses of Neo-Nazi’s manifestos. Ilias Kasidiaris, known for the assault of a female left-wing politicians during the live television debates, publically read out segments from the Protocols of the Elders of Zion, which are a hoax produced by the Russian secret police between the end of 19th century and the beginning

of 20th century, and are currently viewed as the primary source of the anti-Semitic theories.⁵⁷

When it comes to the press, the newspaper most guilty of spreading xenophobic neo-Nazi materials was the Golden Dawn's own publication. Since 1993, the motto of the newspaper was as follows:

“Every migrant worker equals to the next unemployed Greek: the deportation of illegal immigrants would mean thousands of vacant employment positions for Greeks.”

Party's media is covered with racist and Nazi statements. For example, the newspaper of the “Green (ecological) wing” of the party claimed, “underdeveloped people like schizophrenics, epileptics, paranoid individuals, mentally challenged, those with mutated genes, incurable alcoholics, heavy drug abusers and others need to be sterilised.”⁵⁸

The activist spread their materials everywhere in the city including schools. Advertisements with racist ideology roam freely within school and across the parents of students.⁵⁹

- Presence and popularity of radical nationalistic literature, films, music. Ultra-nationalistic rock bands and their concerts.

There are several neo-Nazi rock bands in Greece. The most popular one is symbolically named “Pogrom”. Artemis Matseopoulos, member of this band, is also a representative of the Golden Dawn in the parliament.

Matseopoulos became the second MP affiliated with the Nazi rock scene. First such MP was Georgios Germenis, who was involved in the Rafina market riots and was elected in May 2012. Germenis affirmed his status during the June elections. As a member of a Nazi rock band, Germentis' stage name is Kiades, referring to the chasm where Spartans used to throw their “deformed” children.

The newly elected member of the parliament is a known vocalist and the bass guitar player of the openly neo-Nazi band “Πογκρόμ.” The band places itself as “black metal” band and states that their songs are “nationally patriotic.” The most popular song is “Μίλα Ελληνικά ή Ψόφα” meaning “Speak in Greek or die” promoting anti-immigrant attitudes. In particular, the lyrics contain the following lines: “You came to our country/ You don't have a job/ You suffer from hunger, you are homeless and you eat your own kids/ You speak Russian, you speak Albanian/But now you will have to speak Greek/ Speak Greek or die!” Apart from that, “The Riot” sings anti-Semitic songs, for example “Αουσιβιτς” meaning “Auschwitz.”

The Golden Dawn party freely publishes a newspaper and a magazine of the same name, which contain explicitly neo-Nazi materials.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts	-5
	Total for section 7	-10

8. Radical nationalistic groups and parties

Indicators

- Presence of neo-Nazi and ultra-nationalistic groups, movements, political parties (both in centre and in the localities).

The most influential pro-Nazi party is the Golden Dawn. Another radical nationalist party is the Popular Orthodox Rally (LAOS), which used to hold seats in the parliament in 2011–2012, but failed to qualify after the 2012. However, LAOS has two members in the European Parliament.

In addition, there are several nationalistic NGOs, such as the so-called “national watch”.

The Golden Dawn received 400,000 (6.68%) votes in the May 2012 elections, but a couple of weeks later, in June 2012, the party received 6.97% of votes (the elections held in May failed to form a government. Therefore, Golden Dawn, existing as an association since the 1980s and reformed as a political party in 1993, obtained 18 parliamentary seats. The party promotes the idea of isolation of immigrants and demands to send them to labour camps.

The party’s logo is quite similar to swastika. The party considers itself as the ideological heir of the German Nazis. Even though the party strongly disagrees with being perceived as neo-Nazi-oriented, its followers continuously use the Nazi salute. Furthermore, Ilias Kasidiaris, known for assaulting a woman during live debates, praised Hitler on his anniversary in 2011: “Hitler happens to be a genius social reformer and leader of a republic... What will happen if ‘democrats’ who are essentially ‘Jews’ do not disturb ‘the revival’ of National Socialism? Romanticism as a spiritual movement and classicism would overcome the decadent subculture which sabotaged the white race.”⁶⁰

Not unlike the German Nazis, the source of inspiration of the Golden Dawn, the party as ludicrous views as they are different. These

include mystical belief in Pan along with other ancient Greek gods of Olympus, as well as being of satanic faith, which is expressed via black metal music. They also expressed very irrational and conspiracy related ideas. One example is that Rudolf Hess, Deputy Fuhrer in Nazi Germany, was actually of Greek origin. Another idea is that Adolf Hitler roamed the streets of Berlin for 40 days after his assumed suicide followed by his ascension to heaven.

The fundamental parts of the ideology of the Golden Dawn are the anti-immigrant and xenophobic attitudes, denial of communism and liberalism along with capitalism, and call for returning to the traditional Christian values.

The flyers of the neo-Nazis promise their followers that they would be able to “walk to the streets without fear,” those would follow them — to help with employment, resolve the immigrant problem, and to deal with the “Roma crime problem” in places where Roma live.

According to the surveys conducted in October 2012, the party was supported by 14% of voters, which shows its increasing popularity.

The activist of the Golden Dawn use semi-military uniform for outdoor events, which is typical for majority of European extreme right movements. Black t-shirts have a printed swastika with local motives. The party members salute one another with raised fists. All of this is reminiscent of fascist-Nazi rituals of the 1920's and 1930's.

The party mainly consists of members born in the 1980's, thus these people grew up surrounded by the democracy and the increasing welfare of the country. They did not experience military dictatorship of the previous decade in Greece. However, party leader Nikolaos Michaloliakos (born in 1957) had witnessed the Regime of the Colonels (Greek military junta). Although it should be noted that the dictatorship was not very fond of nationalists: Michaloliakos's military career ended in 1979 with a prison sentence for being a member of a right-wing underground organisation during his military service.

In 2012, members of ruling parties tried to express neutrality regarding Golden Dawn — Antonis Samaras, Prime Minister and leader of New Democracy party, prevented the new anti-racist act that was directed against the Golden Dawn from passing.

Golden Dawn managed to gain voters' support not only through propaganda of xenophobia, but also by holding social events in Athens. The party provides food to those in need and the elderly, assists them in different ways, organise soup kitchens, etc. However, all this charity is only available for those who show proof of their Greek ethnicity. Thus, the party also promoted the pure blood bank idea — “Only Greek blood.”

The party promotes itself in troubled areas of the city and holds events in secondary schools, promoting their ideas to youth. The

Golden Dawn has a policy of isolation of minorities, particularly migrant workers and asylum-seekers, shares homophobic and anti-Semitic ideas, sets people against Roma. Its armed followers attack people of different colour and the left-wing activists.

The party recruits followers using the current situation of economic crisis and the rising xenophobia. It emphasises the security “threat” posed by immigrants, refugees and people illegally crossing the sea border of the country. The party has positioned itself as a representative of social dissatisfaction of the population. The theory is supported by the practice: thugs in black motorcycle helmets, parades are held in the areas of Athens that are densely populated by foreigners.

Since 2004, the Golden Dawn is part of the existing network of European right-wing parties “European National Front” and maintains contacts with the far-right National Democratic Party (NDP), as well as the Bavarian neo-Nazis. German government confirmed this information: “According to the report of the Free Neo-Nazi Network South, the cultural-political meeting took place in early November 2012, the participants of which included German neo-Nazis, members of the NDP, the Holocaust denier Ernst Zundel, and members of the Golden Dawn. The main topic for discussion was the former Nazi Party, the Nuremberg Rallies and its activities. At a subsequent meeting in Furth German and Greek neo-Nazis discussed the current situation in Greece and Germany.”⁶¹

According to the online reports, the Golden Dawn has established its foreign delegation in Nuremberg, and consequently held its first meeting on January 7, 2013. “Visiting Greeks will answer for dirty hippies on our streets and democratic dictatorship regime in our homeland” was the headline of the Internet website of the Nuremberg representation. “We are waiting for our leader Nikolaos Michaloliakos to give us the signal to action, and then nothing can stop us. We will achieve full and unconditional victory.”⁶²

Prior to the Golden Dawn, the right-wing extremist circle was dominated by the Popular Orthodox Rally party (LAOS), which, unlike the Golden Dawn, was unable to exploit the economic crisis and consequently lost votes.

Experts believe that this happened due to LAOS joining the Greek government of Lukas Papademos. According to the Greek researcher of the radical right Vasiliki Geogriadu, the party opposing the prevailing party system — Panhellenic Socialist Movement and the New Democracy — and then suddenly wanting to be part of the system, is doomed.”⁶³

Key leaders of the party joined the New Democracy, causing LAOS to virtually collapse forming a gap that was then occupied by the

Golden Dawn. While LAOS is just a right wing populist party, the Golden Dawn is a far-right neo-Nazi party. Unlike LAOS, Golden Dawn uses violence as a political tool and is a follower of irredentism, i.e. fails to accept the current borders of Greece.⁶⁴

The “national watch” (ομάδες πολιτών) was established over the past few years to protect locals from migrants’ attacks in the city streets. Although the fact of involvement of the “national watch” in a series of attacks on migrants has not been proven by law enforcement officials, there is some evidence suggesting that this is the case. For example, the clashes between the “national watch” and “anti-fascist watch” occur frequently. The “anti-fascist watch” was created by anti-Nazi forces in response to their opponents’ initiative. In addition, members of the “national watch” are often involved in the events held by the Golden Dawn, in immigrant neighbourhoods, especially, as well as they are recruited to distribute racist propaganda materials.

- Discriminatory demands towards the minorities in programmes of these parties and in statements of their leaders.

LAOS and Golden Dawn both oppose the foreign domination, but the Golden Dawn is more aggressive and uses illegal methods.

The programme of this party contains characteristic features of the democracy era in Greece, which is experiencing decline as the “era of national tragedy and national betrayal” according to the party. The programme also contains a demand to get out of the American dictate and reconsider its relations with the EU, which led the economy to a standstill according to the party.

The party offers a universal method to combat unemployment – the expulsion of illegal immigrants and focusing on domestic production. The manifesto states that the Golden Dawn distinguishes Greek citizens from the *legal* residents and, of course, the illegal immigrants-occupants (illegal or fraudulently legalised). Illegal immigration is compared to “an informal army, which corrupts the social structure and leads the national identity to oblivion. Illegal immigrants, the concept of which is alien to the Greek society, should be immediately deported.”

In order to counter the illegal immigration the following measure are proposed:

— Immediate arrest and deportation of all illegal immigrants. Prior to their final repatriation, they will be transferred to specialised detention facilities away from residential areas, where the conditions are not as great as they are now;

— The phenomenon of illegal immigrants that are “in custody” and living in air-conditioned rooms, receiving free meals and other luxuries

that are not available to many Greeks, is completely unacceptable and will be immediately eliminated;

— Any crime committed by a foreigner shall be deemed established. Punishment will not be served in jail, but in specialised detention facilities where offenders will work for the good of the public;

— Struggle against illegal immigrant trading illegally, money transferred to the countries of origin to be strictly controlled. Enormous loss of revenue for the Greek state will be stopped. There will be zero tolerance for the international smuggling networks.

The party has repeatedly demonstrated its anti-Semitic stance in their official statements. For example, during a visit of the executive director of the American Jewish Committee, David Harris, who discussed the issues regarding anti-Semitism in Greece in Athens in February 2013, the party issued a statement in which the visit was describe as “an attempt to strengthen the influence of global bank capital and international Zionist organisations onto the policy of the Greek government.”

“This gentleman, David Harris, came here under orders of the world Jewry that wants to control the foreign policy of Greece, as well as the big industrialists who want to warm their hands up on our economic problems. We do not need the solidarity of the Jews and their superficial sympathy. When our party comes to power, all those who cooperated with the Jews will pay for their deeds” — such was the statement posted on the official website of the Golden Dawn.

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human right organisations.

Given the unprecedented growth in popularity of the party among the voters (14% as of October 2012), we can confidently conclude that the ultranationalist the Golden Dawn party has a significant impact on civil society.

- Neo-Nazi and radical nationalist influence over the local legislative and executive bodies.

Greece is a unitary republic. This means that the local governmental institutions do not have the status of public formation (own parliaments, governments, laws and other state attributes). Direct elections are held in order to allocate authority to various municipal governmental institutions, and despite the unitary nature of the state, they still hold quite broad powers.

Last local elections were held in 2010, where the Panhellenic Socialist Movement gained the biggest amount of votes, followed by the New Democracy party. Nationalists had almost no representation in the local governmental institutions.

- Neo-Nazi and radical nationalist influence over the central legislative and executive institutions.

The Golden Dawn occupies 18 parliamentary seats out of 300, which is only 6%. However, members of the party are very active, outrageous and most importantly – exploit acute problems within the society, drawing attention of the ruling majority. In the wake of the growing popularity, Golden Dawn increasingly influences the political agenda in the country. The Prime Minister Antonis Samaras, pressured by the Golden Dawn, has instructed the Ministry of Justice to develop an act that would make the Greek laws stricter for illegal immigrants compared to local citizens. Influence of the Golden Dawn explains the limitations to immigration norms, imposed by the government in 2012, as well as the moratorium on granting of the citizenship to foreigners, reluctance to ban the party despite its explicit racism and neo-Nazism, reluctance to adopt a new anti-racist act that has been pending in the Parliament since 2011, and much more.

The party's popularity among law enforcement officials also shows that the neo-Nazis have a serious impact on the central legislative institutions of the country.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities)	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities	-5
×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations	-5
-	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies	0
×	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies	-5
	Total for section 8	-20

9. Extremist and radical nationalist public actions

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

Throughout 2012, the members of the Golden Dawn and the so-called “national watch” performed several inspections of trade permits in urban markets in order to identify illegal immigrants and foreigners who do not have permission to trade. There are two cases of riots and destructions inflicted on immigrant pavilions took place in the markets of Rafina and Missolonghi. In some cases ultra-radicals used of so-called “mechanised wings,” which usually consist of about forty Nazi bikers who go around the suburbs of the Greek cities, Athens, especially, forcing immigrant traders and sellers of “pirated” discs, for example, leave their places.

Thus, the activists the Golden Dawn not only hold unauthorised events on a regular basis, but also appropriate functions of the police.

In May 2012, nationalists carried out a protest demonstration in the west of the country, which was directed against illegal immigrants and resulted in the attempt to storm the temporary detention facilities. Stones and firebombs were thrown at the guards. Tear gas had to be used. A police bus and two patrol motorcycles were burned. As a result, 8 employees were injured and 5 attack ringleaders were arrested.

At the end of 2012, a play by Terence McNally was scheduled to take place in the Athenian theatre Hytirio as part of the Feast of Corpus Christi. The play would reveal homosexuality topics in Christianity. However, Metropolitan Seraphim of Piraeus sued it for “blasphemy.” In order to appeal, he came to the police station accompanied by four parliamentary members of the Golden Dawn, including the parliamentary speaker Christos Pappas. They expressed their support of this statement. At the premiere of the play, the followers of the Golden Dawn teamed up with fundamentalist Christian groups and forcefully interrupted the performance.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

Immediately after winning the election in June 2012, the activists of the Golden Dawn held a rally in Athens at the St. Nicholas square that was dedicated to the problem of illegal immigration. While waving Greek flags they shouted: “You have one week to get out of here. Go away and never come back.” This appeal was addressed to the Pakistanis who took up the street with their market stalls. Immigrants gathered their things and left in silence. On their way to the square, members of

the Golden Dawn made a stop at the place where a pharmacist was brutally murdered by two foreigners. Members of the party, led by its leader Nikolaos Michaloliakos rose from their motorcycles and sang the national anthem in honour of the deceased Greek.

Generally, the extreme nationalists preferred to use more “direct actions” in 2012, such as the Rafina market riot and attacks against immigrants. However, there were some public actions, held as “charity events” sanctioned by the authorities, despite their obvious political and racist nature.

These events include the collection of “Greek blood” and the distribution of products “for Greeks only,” which was held by Golden Dawn activists in September 2012. Strong men in black t-shirts handed out food, mostly potatoes, to poor Greeks in the Athens area of Agios Panteleimonos. National television recorded the moment when one of the protesters chased away an elderly immigrant woman asking for food.

At the same time, members of the Golden Dawn were donating blood in mobile blood banks, and stated that blood was to be taken only from the Greeks and only given to the Greeks. The party spokesman said that the groceries distributed by the Golden Dawn were bought using public funding, which the party has the right to access after entering the parliament. Similar event was also held in Thessaloniki in northern Greece.

The Association of hospital doctors of Greece and the union of hospitals in Thessaloniki condemned the actions of the far right activists. Doctors pointed out that the quality and suitability of blood does not depend on race, nationality or religion of the donor.

The union of doctors issued a statement to prompt their colleagues not to take part in such event: “It is appalling when blood donation is carried out for the purpose of discrimination and racial segregation. Such racist actions blatantly violate the Hippocratic Oath and Code of Medical Ethics.”

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

Generally, most of the activities of the Golden Dawn are carried out with the involvement of its party leaders.

- Presence of “football xenophobia” and racism among fans.

Communities of football fans in Greece, fan clubs of different teams are an exaggerated reflection of the situation in the Greek society torn by political contradictions. For example, fans of the Greek football club

A.E.K. who consider themselves anti-fascist and anarchist are united into a fan club “Original 21,” whereas fans supporting the Golden Dawn and the radical nationalists joined the “Ghetto” club. Various other unions relate to neo-Nazi associations, e.g. “Gate 13,” which was formed around the “Panathinaikos” team. Fans of FC “Atromitos,” who are also anti-fascist, joined a fan club called “Fentagin.” Occasional clashes between them that take place during football matches.

Golden Dawn often uses the pro-Nazi fan clubs in its activities. For example, a group consisting of 70 football fans attacked immigrants during the celebration Greece’s victory over the Russian team in the EuroCup on June 17, 2012 in Omonoia square in central Athens. They stopped buses and attacked non-Greek passengers, threatening anyone who tried to resist them. Nevertheless, so far antifascists have been prevailing in Greek sport events, perhaps because they are actively working with the representatives of anarchist organisations.

The Football Federation of Greece promotes a tough anti-fascist position. A striking evidence of this is its decision to issue a lifetime ban to the AEK player Giorgos Katidis for a Nazi salute he performed after scoring their winning goal in one of the matches against “Veria” in the national championship on March 16, 2013.

In addition, the Greek Football Federation made an official statement: “The gesture performed by this player defies common sense and breaks the hearts of millions of people, not only in Greece but also worldwide. We completely condemn Nazi atrocities and believe that such expression of “emotions” have no place in football. Therefore, the federation has decided to disqualify Katidis for life due to this act being one of the most serious violations regarding the existing rules of FIFA and UEFA. We urge the clubs to amend their contracts so that they include a clause on prohibiting such actions from players.”⁶⁵

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities	-5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities	-5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies	-5

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of “football xenophobia” and racism amongst sports fans	-5
	Total for section 9	-20

10. Racist attacks, violence and terror

Indicators

- Vandalism of cemeteries, attacks on religious buildings.

In 2012, 4 cases of vandalism were observed in Greece. All of them concerned Jewish cemeteries and memorials dedicated to the victims of the Holocaust.

In April 2012, a Jewish cemetery was desecrated in the city of Ioannina in the northwest of Greece. In September 2012, the same type of crime was committed in the northeast of the country. Two monuments dedicated to the Holocaust victims were desecrated October 2012 in Rhodos in the same way as a monument in the city of Chalcis in April 2012 — the Star of David on was covered with anti-Semitic graffiti.⁶⁶

- Inter-ethnic clashes instigated by xenophobia and radical nationalism.

On September 14, 2012, hundreds of Muslims went to the streets of Athens to protest the film “Innocence of Muslims” which insulted their feelings. Around 600 people tried to break through to the U.S. embassy, but police blocked the crowd. It resulted in the clash between the protesters and the guards. Police had to use tear gas. About 40 demonstrators were arrested. On September 23, the film caused unrest among the Muslim prisoners in the detention facility in Athens, near Korydallos. Prisoners of three buildings refused to return from their walk. They started setting fire to bedding and throwing stones.

Refugees and migrant workers, however, became the epicentre of xenophobia along with illegal immigrants and migrants from Pakistan and Bangladesh. The latter are engaged in crop harvesting, reside in self-built homes in very poor conditions and are barely paid for performing hard labour. Conflicts between migrant workers and local farmers are frequent. In the spring of 2012, the police of the Manolada town, located in the Peloponnese peninsula, arrested two Greek citi-

zens for attacking a 30-year-old Egyptian combine operator. Pulling his head through the side window of the car, the bullies drove off dragging the poor man along.⁶⁷

One of the leading experts on ethnic conflicts in Greece, a political science professor at the University of Panteos in Athens Vassiliki Georgiadou pointed out: “Greece is going through the biggest crisis in the history of the country. Government decided to abruptly reduce wages, social benefits and the number of public associations. There are between 500 thousand and 1 million foreigners living in Athens, many of whom are here illegally. This causes the rise of xenophobia and illegal actions. Extreme right-wing parties now have yet another reason for an action.”⁶⁸

After the elections in June 2012, the number of attacks against foreigners, especially Pakistanis, have increased. Golden Dawn is responsible for these attacks: they recruit their supporters among poor youth, organise rallies, carry out attacks against people of different race and set their property on fire, while the police often does not interfere. Hundreds of such attacks have been recorded.

For example, in the evening of June 23, 2012 an incident between Greeks and non-Greek locals, mostly Pakistanis, took place in the district of Ilaina in Athens. As a result, the Pakistanis were beaten up, and the houses of four immigrants have been vandalised.⁶⁹

The most outrageous case was the riot at the Rafina city market. About 40 members and supporters of the Greek nationalist party the Golden Dawn walked through the market, inspecting the documents and licenses for the sale of goods of every trader. They inspected the people with dark skin in the first instance. During the inspection, they destroyed the stalls of the immigrant merchants who could not display their license or a permanent residence permit. George Germenis and Panayiotis Iliopoulos, two parliamentary members of the Golden Dawn, were leading this operation. The riot was followed by Germenis’ statement, “We walked through the market and listened to what traders had to say. Upon learning that illegal immigrants are trying to sell their merchandise here without a license, we have informed the police and then did something that the government needed to do a long time ago — put a stop to these illegal sales.”

On August 24, 2012, the Pakistani community along with left-wing parties held a protest march against the racism in Athens. Over three thousand people attended it, most of which were the immigrants from Pakistan.

In order to protect the immigrants from any attacks by nationalists the ethnic communities together with the anti-fascist organisations initiated the creation of the so-called “anti-fascist watch,” which began to patrol the streets of Athens and other major cities to defy the “national

watch.” The following is the description of “anti-fascist every day schedule” in Greece by a representative of the anti-fascist “Anti-Authoritarian Movement” who actively participates in this watch:

“In the evening of September 30 a clash occurred between the anti-fascist watch, the fascists and the police while the watch was patrolling the streets. The rise of racism in the past few months, which comes from the parliamentary Golden Dawn party, stimulated the idea of the anti-fascist watch being created. The central areas of Athens are inhabited by many non-Greek residents; therefore, these areas are the place of various racist attacks. During one of the anti-fascist patrols, the activists encountered a group of nationalists. The anti-fascist activists were later attacked by Delta, a subdivision of the police. This led to injuries and arrests of the anti-fascists.”⁷⁰

Thus, despite the increase of xenophobia, the radical nationalists failed to provoke any widespread confrontation between the local and the non-Greek, primarily immigrant, communities in 2012. Until now, the clashes have occurred only between the neo-Nazis and the anti-fascists, many of whom belong to the anarchist and leftist groups and use the same methods of attacks as their opponents. Nevertheless, the wave of violence on both sides increases.

- Cases of violence, including murder on racial, ethnic and religious grounds.

The true extent of xenophobic violence in Greece is unknown. The government provides unreliable statistics due to the unsatisfactory work of the criminal justice officials — starting with the law enforcement agencies, which do not appropriately carry out the identification, investigation and prosecution of hate crimes. The Greek government announced only two hate crimes in 2009 and only one in 2008 across the country. In May 2012, the human rights organisation Human Rights Watch requested the senior prosecutor of Athens to report the information regarding hate crimes. The prosecutor spoke of only nine cases of violence in Athens since 2011, which are classified as “racial intolerance” crimes.

This information does not provide a clear picture of the real state of affairs. For example, according to Nikitas Kanakis, a member of the “International Physicians” association, about 300 victims of racist attacks were treated in the hospitals of Athens in the first half of 2011 alone. Tzanetos Antipas, the head of the Greek NGO “Praxis,” said that more than 200 victims of the Nazis were treated in other clinics during the same period. In August 2012, Javed Aslam, the president of the Pakistani community in Greece, stated that “over the period of six months more than five hundred people had contacted them, saying that they had been attacked by neo-fascists on the streets, everything would

start with verbal abuse and then move on to using their fists and batons, then they would take the knives out.” According to him, more than twenty victims were brought into hospitals with stab wounds over a period of three weeks. People are scared to death and nobody says anything to anything. He described the situation as simply monstrous.⁷¹

At the initiative of the Greek National Commission for Human Rights (GNCHR) and the Office of the High Commissioner for Refugees in Greece (UNHCR) a network of organisations, engaged in tracking of racist crimes, was founded. The network called “Against Racism” consists of 18 NGOs the purpose of which is to identify and register any cases of attacks on migrants.

The organisation provides the following information about the situation in 2012 in its annual report: “During the period from January to December 2012, 154 cases of attacks on migrants have been reported which were motivated by racial intolerance, 151 of the attacks were committed against refugees and migrants and 3 attacks were against European citizens (those were the citizens of Romania, Bulgaria and Greece).”

The geography of crimes is as follows: 107 cases registered within Athens, 23 of which cases took place in the Attica area. 13 cases occurred in Patras, 3 cases were in Corinth, and another 3 cases were recorded in Igoimenitsa and Evros that took place in a pre-trial detention facility. In addition, similar cases were reported in the cities on Rhodes, Chios, Konitsa and Nea Manolada Ilias.

Most of the incidents occurred in public places, and 6 took place in public transport. Also 7 cases occurred in various detention facilities (police stations and investigation wards) and 16 cases were committed in the homes of migrants, in shops and places of recreation.

Offenders were usually male, except when criminals acted as a group, consisting of eight people, one of them was female. The average age of the offenders was 27, and the vast majority was of Greek nationality. Crimes committed by members of different ethnic groups were also observed (ethnic Albanian migrants took part in the attack in the center of Athens). Only in 6 cases out of 154 the offender acted alone.

The involvement of police officers and civil servants was registered in some racist attacks: 25 cases recorded involved police officers committing offenses, 7 of them occurred at the end of the month during arrests (a police station in Igoimenitsa, an immigration office in Attica, a police station in Agios Panteleimonas, a police station in the city of Chimoniou Orestiada, a police station of Vrachati), and 17 other cases registered in 2012 involved law enforcement officers also. Some of the officers participated in these cases while being on duty, resorting to illegal and violent actions during routine events.⁷²

Some of the recorded violent incidents are listed below:

On June 17, after Golden Dawn's victory in the elections, its supporters held the so-called "Night of violence", celebrating the party's entry into the parliament by attacking immigrants. Due to this a group of the party supporters attacked immigrants in the "Attica" metro station in Athens. The attack was recorded on video by a bystander who pretended to have a conversation to a friend on the phone.⁷³

On the same day, a gang of four people attacked two Algerians, aged 23 and 27, with knives and metal bars. The two immigrants were sleeping on the beach of Nea Chora prior to the attack. The gang also stole their mobile phones and blankets. The incident happened early in the morning in the city of Chania (Crete). The victims were delivered to a hospital. On the same day, a homeless 25-year old Egyptian immigrant was attacked as well. The attack was so severe that the victim had to undergo an emergency surgery during which the doctors removed both his kidneys. Three days later, the police arrested a 39-year old Greek Golden Dawn supporter for participating in the attacks. This is one of the few cases when attackers were eventually prosecuted.

In the evening of June 18, a 23-year old Pakistani cyclist was coming home from work via the highway between Corinth and the Loutraki resort when he was stopped by two Greeks riding a motorcycle who then asked him if he really was of Pakistani origin. He first denied it, as he knew this was how the racist attacks would usually start. A few minutes later, a group of six people riding three motorcycles pushed him to the ground and started beating him with a wooden club. The victim survived and eventually ended up in a hospital. When the incident was reported to the police, they refused to take any action under the pretext of it being a blood vengeance act between Pakistanis. The police arrested 10 immigrants without documents who came to visit his friend in the hospital afterwards.

On June 23, 2012, a gang of the Golden Dawn supporters harassed the non-Greek shop owners in Agios Giorgios square, Nikaia suburbs of Athens. They warned that if the immigrants would not be gone by the end of the week the gang would need to resort to violence. They were also attempting to find out the names of the property owners who rent their houses to immigrants. Police observed the situation without interfering.⁷⁴

On July 10, Apertus — one of anti-fascist squats, was bombed by neo-Nazis. Fire broke out after the explosion and spread to the inner yard. At this time, the squat was empty, so no one was hurt.

In August 2012, the representatives of the Golden Dawn put up a fight with the police in the harbour of Corinth due to them protesting against the arriving of illegal immigrants.

On August 12, an Iraqi was stabbed to death.⁷⁵ According to the witnesses, the attack was made by the five men on four motorcycles. Earlier, in the same place they tried to attack two other immigrants (citizens of Romania and Morocco) but the victims managed to escape.

On August 22, twenty activists of the Golden Dawn attacked and beat several representatives of sexual minorities in the district of Athens famous for its gay residents. The police who were nearby did not react to what was happening.⁷⁶

The riot in the market of Rafina, mentioned a few times previously, took place in September 2012. This particular incident attracted the public attention because it was led by the notorious parliamentarian Giorgios Germenis. These kinds of “inspections,” however, occur regularly in many cities of Greece.

The attacks are mostly directed against illegal immigrants, people of colour, as well as Roma Roma and Albanians. Islamophobia, or hatred for people of Muslim origin, is gaining momentum in Greece at the moment. Following the logic of the Golden Dawn, these people are perceived as “foreign” and are malignant, and cannot be part of the Greek nation.

On the night of September 25, the Tanzanian community was attacked in Kypseli area in central Athens. According to the report of the Greek Union for Human Rights, there were around 80 attackers all of them being activists of the Golden Dawn. Immediately after the attack, the police started pressuring the attacked immigrants forcing them to refuse identify in any of the detained attackers. When one of the immigrants insisted on identifying and filed a lawsuit, he was arrested and detained at the police station a few hours, demanding to drop the suit, and eventually he was forced to do so. Other immigrants also “were advised” not to make any statements incriminating the attackers.

On October 12, 2012, Hamed A., a student from Egypt, fell victim to racist attacks in the area of Plateia Attikis in Athens. He was beaten with iron bars by a group of three people as soon as he got off the bus. When the young man was already lying on the ground and bleeding, they set the dogs on him. A police car and a motorcyclist appeared at the place of the incident. None of them called an ambulance. Hamed got to the police station in Agios Panteleimonas only with the help of fellow immigrants who arrived soon after.

The duty officer insisted that the attack was just a robbery disregarding the protests of Hamed, who kept on saying that the attackers did not take anything from him and repeated the words of racist insults (“black punk,” etc.) that accompanied the attack. The officer did not let him to write a statement against the attackers, insisting that the victim should go to the hospital in the first instance. Finally,

Hamed arrived at the hospital. He was so badly beaten that eventually lost an eye.

In December 2012, neo-Nazis together with Orthodox youth disrupted a theater performance in the Hytirio theatre in Athens. It was a play by Terrence McNally revealing the subject of gay sexuality in Christianity.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Vandalism in cemeteries, attacks on religious buildings	-5
×	Inter-ethnic clashes instigated by xenophobia and radical nationalism	-5
×	Cases of violence, including murder on racial, ethnic and religious grounds	-5
×	Cases of hate crimes	-5
×	Terrorist attacks on the basis of radical nationalism and religious fanaticism	-5
	Total for section 10	-25

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

There is a fairly strong anti-fascist movement in Greece represented by various anarchist and leftist groups such as the Anti-Authoritarian Movement, the Assembly against fascism the Municipalities Community, the Autonomous Zone — Youth Unit — Anti-fascist fans of FC “Panathinaikos,” Anti-fascist Ring of Arta, etc., all of which carry out the main anti-fascist campaigns in the country, and also have a decisive influence on groups of football fans. Tough anti-fascist stance is also taken by the Communist Party of Greece, the Coalition of the Radical Left, the Panhellenic Socialist Movement party, the Democratic Left party and several others. Objectively anti-Nazi stance is taken by the Jewish community in Greece, as well as immigrant communities from Asia, primarily the Pakistani community.

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

Greek anti-fascists are capable of recruiting large numbers of people for the anti-fascist demonstrations and other mass events. At the same time, violence is one of their preferred methods to deal with opponents. Thus, both sides have the element of escalating violence that could potentially lead to serious consequences.

For example, on July 9, groups of anti-fascists attacked and separated about 40 neo-Nazis of the Golden Dawn who had a meeting in one of the cafes of Agrinio, located in the western part of Greece. In response, neo-Nazis blew up the Apertus squat* in the same city on July 10.

Nevertheless, already on July 17 the anti-fascists organised a mass protest and held an anti-fascist demonstration, which was attended by about 350 people. Slogans against fascism, racism and repression were chanted, leaflets were handed out to the passers-by. Demonstration lasted about an hour and a half and went through the city center.⁷⁷

On August 21, 2012, an anti-fascist demonstration directed against the growing wave of nationalist terror, murders of migrants and police racism took place in Athens. The triggering factors for this were the escalating violence against immigrants and refugees, and in particular, the murder of one of the immigrants, committed by neo-Nazis from the Golden Dawn on August 12 in central Athens. The demonstration was attended by 150 people, but on September 1, 2.5 thousand people took part in a yet another anti-fascist demonstration also held in Athens.

On the night of September 16, about 100 motorcyclists, members of one of the leftist anti-fascist organisations drove through the center of Athens, putting up posters and stickers with the stories of the Nazi attacks. The anti-fascists wrote the following statement: “We aim to encourage the mobilisation of anti-Nazis among the local population, to encourage them to defend themselves as a class... The streets belong to all of us who are struggling, who are poor, who are considered an outcast.”⁷⁸

Hundreds of people took part in the anti-fascist motorcycle race in Athens on November 15. More than 600 anti-fascists took part in the event.

On November 17, 2012, demonstrations were held in Athens and other cities in honour of the 39th anniversary of the November 17, 1973 (the day of the student uprising against the dictatorial regime of the colonels).

* A *squat* — an abandoned illegally occupied area/building that is used for residence and social activity — *editor's note*.

On December 16, 2012, hundreds of protesters from more than 20 countries around the world held a demonstration near the Greek parliament to show their dissatisfaction with the wave of hate attacks in the country.⁷⁹ The event was coincided with the visit of Benjamin Abtan, the president of the European Anti-Racist Movement. The event was also attended by the leaders of ethnic communities of the country and the anti-racist movement activists from around the world. Giorgos Kaminis, the mayor of Athens, also participated in the demonstration. The protesters unfurled a huge banner reading “Europe against neo-Nazism” and marched to the Acropolis — the cradle of democracy.

- Presence of anti-racist and anti-fascist civic initiatives.

In November 2012, a private organisation was created to combat racism in the districts of Athens, designed to stop racist acts without government assistance in a given city.

In mid-November 2012, it was reported that the Facebook accounts of the members of the Golden Dawn have been blocked as a result of multiple appeals to the administration of the social network. This also affected the party’s supporters, who had an account in Facebook. The Golden Dawn party filed a criminal complaint.⁸⁰

On 7 December 2012, a presidential decree was issued regarding the establishment of a special department for “prevention of crimes on grounds of racist intolerance, national and religious background, and the pursuit of such offenders.” Looking ahead, we can report that the state service against racism and intolerance was already founded in January 2013. The service aims to investigate hate crimes.

In 2012, the leaders of the Greek Jewish community started a campaign to highlight the possible implications of the activities of right-wing parties on democracy in the country.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-racist and anti-Nazi movements and parties	5
×	Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations)	5
×	Presence of anti-racist and anti-fascist civic initiatives	5
	Total for section 11	15

12. Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial

Indicators

- Glorification of German National Socialism and/or its collaborators in the media; desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

Such facts were not recording by the monitoring in 2012.

- Glorification of German National Socialism and/or its collaborators with the support of local authorities; demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to soldiers of Wehrmacht and Nazi butchers.

Such facts were not recording by the monitoring in 2012.

- Glorification of German National Socialism and/or its collaborators in decisions made by the government.

Such facts were not recording by the monitoring in 2012.

- Historical revisionism, Holocaust denial.

So far, there is no such concept as historical revisionism (attempts to revise the outcome of the war, etc.) in Greece — the country that survived the Nazi occupation and the Holocaust. Sympathy for Hitler and Nazism, however, is felt in the Golden Dawn publications. The eponymous magazine published an article with the headline reading “May 1945 — May 2005. We have nothing to celebrate”⁸¹ that was coincided with the 60th anniversary of the victory over Nazism. The text, mourning the defeat of the Nazis in World War II, read that “a [true] winner is the young soldier ‘Hitler Youth’ (Hitler-Jugend) who died fighting in the destroyed Berlin. The soldier of Wehrmacht and SS fought against the forces of nature and the forces of the enemy.”

The Golden Dawn party and its leader Nikolaos Michaloliakos are known not only for their anti-Semitism, and longing for the Third Reich, but also denial of the Holocaust, which they express quite openly.

For example, in mid-May 2012 Michaloliakos was interviewed by MEGA-TV, where he put the Holocaust in a row with crimes that could be considered normal for military operations. “Americans would have done the same if it had been them instead of Germany,” — he said. He cited the example of German neo-Nazis from Dresden, which can definitely find arguments to lessen the extent of the Holocaust. The neo-Nazi term “Bombenholocaust,” meaning “the Holocaust by bombs,” is

discussed here; it is used to describe the Nazi German attack of former allies of Dresden in February 1945.

During the interview, Michaloliakos also said: “What is Auschwitz? I’ve never been there! And what happened there? And have You been there?.. I have read many books that questioned the death of 6 million Jews. They say that the events of the Holocaust are greatly exaggerated. This is, indeed, a deliberate exaggeration, and many authors investigating the problem of fascism confirm this fact... There were no ovens. It’s all lies. There were no gaschambers, either.”⁸²

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition	0
–	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers	0
–	Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities	0
×	Historical revisionism, Holocaust denial	–5
	Total for section 12	–5

13. Persecution of veterans and partisans of the anti-Hitler coalition and anti-fascists

Indicators

- Public calls for repressions against, veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.

Such facts were not recorded by the monitoring in 2012.

- Restrictions imposed by the authorities on human rights and antifascist organisations. Bans to entry or exit imposed on antifascists. Authorities’ inaction.

Such facts were not recorded by the monitoring in 2012.

- Criminal persecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

There were several incidents of persecution of anti-fascists in 2012, but most of these cases were caused by antifascists disrupting public security themselves.

For example on September 30, 2012, fifteen anti-fascists were arrested for attacking a small group, which they had identified as “fascists.” On top of that, the anarchists also had a clash with the police forces.

At the same time, there have been cases of unprovoked persecution of anti-fascists by the police. For example, the arrest of four more anti-fascists, who came to the courthouse on October 1 to give support to their detained friends is still questionable.

On July 21, 2012, police arrested an antifascist Petros Kapetanopoulos, employee at a branch of a human resources organisation (OAED) and sometimes had to work with immigrants. He was arrested after his complaint about the police officers who assaulted an immigrant arrested for committing a crime. Kapetanopoulos was accused of resisting the authorities, attempting to release the detainee and giving false testimony not under the oath, (the latter charge applies when the prisoner refuses to give fingerprints).

Consequently, he was released without prosecution, but the judge tried to accuse him of being “an accomplice in a robbery” (because Petros was appalled at the detention conditions of the young immigrant). An immigrant, who was charged with the robbery of a young woman, was given probation.

Thus, it cannot be said that there is an active repression against the anti-fascists in Greece due to their social activity, but such attempts have been made by law enforcement authorities.

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists	0
–	Restrictions on human rights and anti-fascist organisations imposed by the authorities, bans to entry or exit imposed on anti-fascists by the authorities, inaction of the authorities	0
–/×	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists	–2.5
	Total for section 13	–2.5

14. International aspect

Indicators

- Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities.

Greece joined the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and a number of other international agreements.

Greece has not ratified the Framework Convention for the Protection of National Minorities, the European Convention of regional languages and minority languages, and has not joined the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

In addition, the republic is not part of the European Convention on Nationality of 1997 and the European Convention on the participation of foreigners in public life at the local level of 1992.

Therefore, the participation of Greece in the most important international agreements on combating racism and discrimination against ethnic minorities is partial.

- Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period.

During the monitored period, Greece did not join to any new international agreements or resolutions of the UN or any other international organisations aimed at combatting Nazism, racial discrimination, protection of minorities, etc.

- International statements and initiatives against discrimination, neo-Nazism and xenophobia made by the monitored countries and their leading politicians.

No such international declarations or initiatives on behalf of government representatives or popular Greek politicians were observed in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
-/×	Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities	2.5

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period	0
–	International declarations and initiatives of the monitored countries and the leading politicians against discrimination, neo-Nazism and xenophobia	0
	Total for section 14	2.5

CONCLUSION

Consequences for the development of the country and society, based on the analysis of factors and the following aspects:

1. Human rights

- *Guarantees against any form of minority discrimination.*

Greece does not recognise the existence of ethnic minorities in the country, although formally guarantees its citizens protection from all forms of racial discrimination. Among religious minorities, Greece recognises Muslims in Western Thrace, who are guaranteed freedom of religion and public education in the Turkish language, although there is a sufficient amount of those who speak Slavic languages among Muslims. Theoretically, Greece recognises the cultural and linguistic rights of the Armenian minority. While the Slavic Muslims of Western Thrace are attributed to Turks, Turkish schools are being shut down, the teaching of the Quran is being prohibited, government attempts to interfere in the process of appointing the Muslim religious hierarchy, etc.

The Constitution of Greece also creates grounds for discrimination of non-traditional religions, as it guarantees equal rights to representatives of only “known” religions, the notion of “known religion” in any document not defined.

The influx of hundreds of thousands of workers in a relatively short period has led to the situation where approximately 10% of the Greek

population have become national minorities in 2012. Meanwhile, the country does not effectively ensure their rights. Errors in migration policy, a moratorium on citizenship, granting residence permits without a work permit, criminalises the immigration environment. The large number of illegal immigrants significantly worsens the situation in this area.

Pressure and street terror unleashed by the neo-Nazis in 2012 has negatively affected immigrants and foreigners in general. This year showed a significant strengthening of the self-organised national communities based on the idea of fellowship. The Pakistani community attracted most attention by participating in protest activities during the monitored period. It can be assumed that the support of anti-fascist society given to the ethnic minorities would soon make them a big part of the anti-fascist society, and the communities will quickly begin to grasp the realisation of their national and cultural rights that it will come into conflict with the country's policy aimed at ignoring these rights.

Thus, along with the traditional groups of ethnic and religious minorities in Greece, who have lived in this area for centuries and yet face problems with the implementation of their national and cultural rights, a group of new permanent residents of non-Greek origin has been formed in recent years. This group is just beginning to fight for its rights. On this basis, given the high level of xenophobia in Greek society, it can be assumed that in the coming years, Greece will face serious shocks associated with the growing demands of ethnic and religious minorities, which theoretically do exist in the country on one hand, and unwillingness of the authorities to acknowledge their presence on the other.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.)*

Greece has not ratified and does not comply with the fundamental provisions of the Framework Convention for the Protection of National Minorities, which together with the refusal to ratify the European Charter for Regional or Minority creates grounds for linguistic and cultural discrimination against ethnic minorities. The refusal to join these two fundamental documents aimed at protecting the unifying nature of their linguistic and national policies that largely aimed at the assimilation of minorities. Although, this policy leads to a political deadlock, only making the problem worse in the context of

globalisation, when migration processes are enhanced, as well as the process of promoting of national self-identity of ethnic minorities is strengthening.

Greece's failure to join the European Convention on Nationality and the European Convention on the participation of foreigners in public life at the local level creates the grounds for discrimination against migrants regarding acquisition of citizenship and political participation, which, in 2012, led to a moratorium on citizenship and discriminatory Act 3838/10 of 2010, which allows the participation in local elections only to foreigners of Greek origin.

- *Differences between the rights and freedoms of the titular nation and ethnic minorities.*

Such discrimination exists and concerns, above all, the rights of national minorities to their native language, education in that language, etc. These rights are provided by the provisions of the International Covenant on Civil and Political Rights of the United Nations, which Greece joined in 1997, as well as the Framework Convention for the Protection of National minorities and the European Charter for Regional or Minority Languages, which it has not ratified.

- *Legislation enshrining inequality of minorities.*

Greece's ultimate problem is not in the presence of discriminatory legislation, but in the absence of legislation recognising the existence of national minorities in the country and protecting their rights.

Certain provisions of the Constitution, however, clearly indicate the possibility of discrimination of foreigners and non-traditional religions. In addition, the immigration Act 3838/10 clearly establishes the inequality of political rights between foreigners of Greek and non-Greek origin.

The current anti-racist legislation should be mentioned separately. The Act 927/1979, amended by the Act 1419/1984 (Article 24), as well as the Immigrants Act 2910/2001 (section 72), provides extremely mild penalties for racial discrimination. The maximum sentence is two years of imprisonment.

- *Rulemaking in protection of minorities.*

Affected by the influence of increasing xenophobia and the escalating hate crimes, the Greek government attempted to adopt a new more stringent and comprehensive anti-racism legislation. In 2012, this attempt failed not only due to the parliament being under the influence of neo-Nazis, but also due to the opinion of the ruling party – New Democracy, which stated that the new law would violate the freedom of speech.

- *Freedom of speech violation.*

Freedom of speech, declared in the Greek Constitution, is limited by a number of laws that criminalise various kinds of statements, ranging from blasphemy and ending with unflattering remarks against top officials.

In 2012, criminal proceedings were instituted against a blogger who posted a satirical page on Facebook about the deceased religious authority, and who published the lists of famous persons in the country holding foreign bank accounts, who were suspected of tax evasion.

The society was especially outraged by the case of the blogger who has been accused of blasphemy. The country has experienced a wave of protests coming from the Muslim community in connection with the demonstration of the film “Innocence of Muslims” just before that. The idea behind the screening of the film was that the authorities needed to respect freedom of speech.

In addition, local radio stations, broadcasting in Turkish for the Turkish speaking Muslim minority in Western Thrace experienced some difficulties in meeting the requirement of the Greek law on broadcasting, which demands a mandatory amount of broadcasts in Greek language.

- *Legislation and law enforcement practices concerning immigrants.*

The immigration legislation does exist in Greece but it is not satisfactory, since it carries a certain discriminatory element relative to non-Greek foreigners residing legally in the country. It is an active and passive suffrage provided to foreigners under the current legislation, i.e. ethnically Greek foreigners can participate in local elections and the absence of the same rights for foreigners of non-Greek origin.

Thus, Greece does not comply with the European rules on nationality and the EU norms on the participation of foreigners in public life at the local level.

It should be noted that the Greek Social welfare system is well developed. It is almost devoid of discriminatory elements against foreigners despite the fact that the country faced a serious economic crisis in 2012 and had to reduce government spending, including social benefits.

2. State of the society

- *Risk of violation or non-compliance with the acting laws aimed at protecting the rights of minorities; risk of discriminatory practices against minorities.*

As already mentioned, Greece’s main problems are in its political sphere — namely the non-recognition of the country’s ethnic minori-

ties. For this reason, Greece has not acceded to the system of international agreements on the protection of national minorities and the country lacks laws guaranteeing their rights.

National minorities in Greece consist of two groups: one has been in the country for centuries and consists of representatives of the Slav people, Turks and Roma, while another rapidly emerging group consists of both legal and illegal immigrants from Asia and Africa.

Today, the representatives of the the first group are already actively demanding compliance with their religious, cultural and linguistic rights, which are not provided for by any law other than the Treaty of Lausanne of 1923. This allows the Greek authorities to pursue the policy of forced assimilation of minorities in Western Thrace, reducing the number of Turkish schools and interfering in the religious life of Muslim communities.

The position of the second group is even more complicated and unpredictable, because its identity is completely different from both the identity of the Greeks and the identity of the first minority group. The government understands the integration of this group as a process of its inclusion into the Greek language and the educational environment.

Meanwhile, the aggravation of inter-ethnic relations associated with the emergence of the Golden Dawn party after it entering in parliament, as well as the absence of any coherent policy towards ethnic minorities in Greece has led to the fact that members of the second minority group are becoming increasingly aware of their political, cultural and religious rights. This is confirmed by the Muslims' protests in Athens regarding with the film "Innocence of Muslims" and the demand to build several mosques that came from 200,000 Muslims of Athens, the Greek capital. By the way, this demand was satisfied by the municipality of Athens in 2013.

Given that ethnic minorities make up more than 10% of the population, government's decision to continue with their policy of non-recognition and assimilation will only exacerbate the contradictions in society in the foreseeable future.

Another issue is the rise of xenophobia due to the difficult economic situation and the high levels of illegal immigration. This is used by the radical nationalists, who received nearly 7% of votes in 2012. Neo-Nazis prefer to solve the problem of illegal immigration and ethnic minorities by deportation, thus they are trying to create an atmosphere of fear and terror for all non-Greeks. In this regard, the number of hate crimes dramatically increased in Greece in 2012, which split the society even more, Greeks being opposed by foreigners of non-Greek origin.

Response on the part of leftists, such as anarchists largely controlling the anti-fascist movement, was prompt. Anti-fascist groups, applying the same violent methods as the neo-Nazis, also introduced the el-

ement of instability into the Greek society. Conflicts, terrorist attacks, clashes with police became commonplace on the streets of major Greek cities in 2012.

A significant number of law enforcement officials sympathise with the neo-Nazi Golden Dawn party. Meanwhile, ethnic communities become allied with the anarchist antifascists for the lack of any other choice, which threatens to split the society and introduce opposition between the state and the society.

All this undermines the democratic foundations of society and, coupled with the difficult economic situation in Greece, promotes further weakening the country as a whole.

- *Identity — how manifestations of xenophobia and extremism affect the identity of minorities, as well as majority's identification of minorities (growth of social phobias).*

The rise of xenophobia and Greeks' mistrust towards the different ethnic and religious groups has made the voluntary assimilation process in the country very problematic in recent years. Ethnic minorities, particularly immigrants of the past ten years, are no longer identifying themselves as Greeks. This identification today is treated as a means of salvation from the neo-Nazi thugs, but no more than that. The terror unleashed by neo-Nazis in the streets of Greek cities has led to increased social phobias among the Greeks and the minorities, which actively unite into the communities, societies for self-defence.

Consequently, the potential acute crisis of the traditional European nation state in Greece can definitely be discussed, as the process of minorities refusing the Greek self-identity is gaining momentum. This process is just starting in the country, but it can be assumed that in the coming years it will only intensify. It is possible that the country will develop into the French scenario, where communities have already formed, defiantly refusing to integrate into French society.

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socioeconomic development of the country)

- *Standard of living.*

The economic crisis that began in Europe in 2008 had the most serious implications on the Greek economy, putting the country on the brink of default in 2012. This has led to a drastic reduction in social spending and a deterioration of living. However, this was only caused by the economic factors and are partially due to mistakes of previous governments regarding the migration policy.

- *Economic turmoil and instability.*

As already mentioned, the economic problems are not related to xenophobia, but a street terror unleashed by the Golden Dawn against migrants in 2012 has become one of the causes of political instability in the country.

- *Decline in production growth, emigration of the labour force.*

Emigration of the working population does take place, but it has purely economic reasons, and it was more than offset by the influx of illegal immigrants in 2012.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

Severe economic crisis broke the country's political stability. Election of the neo-Nazi Golden Dawn party to the parliament in 2012 was the response of the voters to the economic problems, for which neo-Nazis offered a simple and clear solution — the expulsion of foreigners and giving the vacant jobs to the ethnic Greeks.

Interestingly, the main method of political struggle the party chose was physical intimidation of migrant workers. As a result, wave of racist terror occurred in the streets of Greek cities, to which anti-fascist anarchists responded with counter violence. The refusal of the ruling party New Democracy to adopt a new anti-racist act in 2012 further complicated the situation in the country.

Under these conditions, discriminatory factors in the policies related to migration and ethnic and religious minorities begin to manifest themselves very clearly. Foreigners and indigenous minorities, deprived of certain rights, are becoming more clearly aware of these rights and fight for them. They are the natural allies of the anti-fascist anarchists, who are able to oppose the power of neo-Nazis, become opponents of the police, who in many cases have liking for the Golden Dawn, and opposing the state as a whole, which did not solve their problems for years. All this, of course, affects the political stability of the country.

- *Impact of xenophobia and extremism in the country on the issues of external security, on relations with third countries and the international security in the region as a whole.*

The problem of illegal immigrants in Greece complicated the relationship with the country's allies in the European Union, which practically left Greece alone in facing this issue. Relations with Turkey have also deteriorated, since the main flow of migrants goes through the

Greek-Turkish land border. Construction of a 10 km long protective wall on this border has reduced the flow of migration, but did not improve the situation of the bilateral relations as many immigrants now settle in Turkey. Unwillingness to allow the teaching of the Quran in Western Thracian Muslim schools, government's efforts to control the process of electing religious leaders and other issues also do not contribute to the improvement of Greek-Turkish relations.

RECOMMENDATIONS

1. *General recommendations on accession to international agreements and conventions*

In order to overcome the festering crisis of the traditional national state, Greece needs to review the approach to unifying their national and linguistic policy. It is recommended to join major international agreements aimed at ensuring the rights of ethnic minorities and ratify the signed documents, i.e. the ratification of the Framework Convention for the Protection of National Minorities and the European Charter on regional languages and minority languages would be useful.

In addition, in order to comply with the normative regulations regarding immigration legislation Greece should join the European Convention on Nationality of 1997 and the European Convention on the participation of foreigners in public life at the local level of 1992.

In order to make the struggle against the increasingly popular neo-Nazi ideology more efficient, Greece should support UN General Assembly resolution A/RES/67/154 "Glorification of Nazism: the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and intolerance" and similar resolutions against neo-Nazism that are considered in the UN every year. The resolution directed against the glorification of Nazism and revision of the post-war realities that fully comply with the policies of the country, as well as the general comments of type 34 on the article 19 of the International Covenant on Civil and Political Rights.

2. *General recommendations on adjustments to the legal framework.*

Upon joining the international agreements, Greece should update the national legislation so it complies with the requirements of those agreements, primarily to enact laws protecting the rights of national minorities and to reconsider the immigration laws, especially the adoption of amendments to the immigration law of 3838/10 of 2012, which legalised the inequality in the implementation of the electoral rights of

foreign citizens depending on their ethnic origin. It is also necessary for Greece to remove all limits to the procedure of granting citizenship to foreign nationals legally residing in the State.

It is important to consider amending the Constitution so it provides equal rights not only to the Greeks, but also to the foreign nationals staying in the country, except for participation in parliamentary elections.

It is also important to pass a new anti-racist act as soon as possible so that it would replace the old act.

3. *General recommendations for the executive bodies on law enforcement and human rights.*

The practice of shutting down Turkish schools in Western Thrace and a ban on the teaching of the Quran need to be reconsidered

In addition, the Greek government should abandon the attempts to interfere in the process of appointment of Muslim religious leaders, and to reconsider the practice to fill these positions by specialised bodies, consisting of Christian religious leaders.

It is necessary to drop the discriminatory practices against the Roma population, to stop the practice of teaching Roma children in schools separately from others, as well as the practice of evictions without providing alternative accommodation.

Greece should stop the practice of registration of hate crimes as domestic disturbance, which is why the official statistics are not considered reliable among the observers. It is also necessary to strengthen the application of Article 79 of the Criminal Code, which examines racial discrimination as an aggravating circumstance in when committing crimes, as well as the whole complex of the existing anti-racist laws, particularly with respect to applications and appeals to the media of the activists of the current anti-racist legislation and the Constitution.

It is important to remove all restrictions on granting of citizenship to foreigners who have been legally resident for the required period time. The practice of issuing temporary residence permits without a work permit must be abandoned since it is completely contrary to the European standards.

The conditions of holding of illegal immigrants in temporary detention must be changed, bringing them in line with European standards, and return to compliance with the same maximum period of holding immigrants in such areas.

The practice of ill-treatment of detainees should also be abandoned.

The Greek government should cooperate with the representatives of various religious and ethnic communities in order to develop preventative techniques against extremism and xenophobia. It is also nec-

essary to develop appropriate awareness work with the law enforcement agencies to explain the social dangers of neo-Nazism. Hate crime identification techniques also need to be implemented to separate them from domestic offenses.

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SUMMARY OF INDICATORS FOR 2012

No.	INDICATORS	SCORE
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-10
2	Xenophobia and inflammatory statements by members of the authorities and media	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	7.5
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
5	Activities aimed at promoting tolerance and preventing extremism	5
6	Status of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	-5
7	Incitement of religious and ethnic hatred	-10
8	Radical nationalist groups and parties	-20
9	Extremist and radical nationalist public actions	-20
10	Racist attacks, violence and terror	-25
11	Presence, popularity and size of anti-fascist and anti-racist movements	15
12	Glorification of German National Socialism and collaborators of Nazi Germany	-5
13	Persecution of veterans and partisans of the anti-Hitler coalition	-2.5
14	International aspects	2.5
	Total	-67.5

HUNGARY

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

Indicators

- Discriminatory legislation affecting minorities residing in Hungary in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

Hungary was one of the most successful post-communist countries of Eastern Europe. After the end of the socialist era, Hungary made an almost seamless transition to democracy and free market economy. However, recent events revealed serious problems within Hungarian society. Economic crisis has seriously affected Hungary. Political elite was unable to respond to the emerging challenges in internal politics of the country. Key political leaders have shown their inability to compromise, and used any means in the struggle for power. Since 2010, the Prime Minister position in Hungary is occupied by Viktor Orban, whose party “Fidesz — Hungarian Civic Alliance” has a $\frac{2}{3}$ majority in Parliament. The new government was formed in order to bring the country out of the economic crisis that forced around 500,000 people to leave the country in search for employment¹.

Newly elected politicians decided to primarily focus on the revival of the national idea, which in their view is threatened by international liberalism. Currently, Hungary’s main course is the further strengthening of power and national identity of citizens under the aegis of National Conservatives.

The country has already experienced radical restructuring of government institutions, personnel changes in public administration, constitutional and legislative amendments, some of which can easily be classified as discriminatory.

First of all, this concerns the new Constitution, which came into force on 1st of January 2012. Hungarian Basic Law has a nationalistic tone. Even though it protects human rights and recognises the rights of minorities, it clearly puts the interests of the Hungarian nation first. Article 15 of the Constitution talks about “prohibiting discrimination on the ground of race, gender, religious and political views, as well as skin colour, language, social origin, wealth, etc.” However, the Constitution represents national minorities as citizens “living alongside the Hungarian nation.” So far, Hungary lacks the law that establishes penalties for neo-Nazi and racist activities.

The preamble to the Constitution states that Hungary lost sovereignty on March 19, 1944 (Nazi invasion into the territory of Hungarian ally), and only regained it on May 2, 1990. Thus, Hungary’s responsibility for allegiance with Nazi Germany in the Second World War is glossed over, while the Nazi occupation is equated to the political regime that replaced Nazis. This can be regarded as an attempt to revise the results of World Wars and the current state borders.

The Constitution also recognises the right to life from the moment of conception, which raises questions about reproductive rights. It also restricts the right to vote for persons with mental disorders and contains the definition of the family, which excludes lesbians, gays, bisexuals and transgender (LGBT).²

Venice Commission — an advisory body of the Council of Europe in the field of constitutional law — criticised the new Hungarian Constitution. According to the Commission, country’s main law threatens the political, economic and other achievements of the Hungarian nation. In particular, the Venice Commission believes that the protection of human and civil rights should be more clearly defined in the Constitution, and the provisions concerning the rights and freedoms of Hungarian citizens living abroad can harm international relations in Central and Eastern Europe.^{3, 4}

The country also adopted an amendment that prohibits foreigners from purchasing land.

Furthermore, from now on, a number of laws and international agreements can be adopted or ratified by the $\frac{2}{3}$ majority vote. This is exactly the amount of deputies that the ruling party Fidesz has in the parliament.

The Law “On the right to freedom of conscience and belief, churches, religions and religious organisations” can also be considered discriminatory. Adopted by the Hungarian Parliament on July 12, 2011, the new Law contains retroactive provisions, namely — the “deregistration” of 346 religious minority communities, registered in Hungary since the adoption of the Law on Religion in Hungary in 1990.

According to the new law, only 32 churches were to maintain their status as registered religious organisations, with the appropriate rights and privileges. These include Catholics, Jews, Orthodox, Eastern Catholics (Uniates), as well as several Protestant groups.

All other religious groups lost their status of religious organisations and had to re-register. Re-registration also led to some problems. First, it was to be considered not by the courts, but by the Parliament, based on submissions of the Minister of Social Resources (church affairs are within his competence). Secondly, according to the new law, the registered religious organisations had to have been acting in Hungary for at least 20 years, have a constitution and an elected administrative body, as well as at least 1,000 followers (previously, only 100 were required) who permanently reside in Hungary and confirm their religious affiliation in writing.

These problems were relevant to the followers of Islam, Buddhism, Mormons, Hare Krishnas, etc.

The officially registered organisations received tax-exemptions and the right to government support. They also obtained the right to organise charity fundraisers and conduct social work in prisons and hospitals.

Nevertheless, in March 2013 this law was repealed by the Constitutional Court, which stated that the law failed to specify detailed reasons for refusing certain organisations in church status. It also expressed dissatisfaction with the fact that “there are no means of legal protection” for those who were denied official recognition. However, in response, the government threatened to challenge this decision by changing the legislation with constitutional amendments, which is quite possible, giving that the ruling party has a constitutional majority in the parliament.

Hungarian Media Law also raises some questions. The Law establishes a state supervisory body that has the authority to impose fines on media for violating the “political balance” in their publications. Some critics see this law as an instrument to persecute the independent press. Despite criticism from the Council of Europe, the European Commission and the OSCE Representative on Freedom of the Media, Hungarian government was unwilling or unable to adequately fix the problematic media laws. It is obvious that the main regulatory body, the Media Council, has no political independence. All this creates the risk of media manipulation to the detriment of minorities, among other things, which can be observed in the campaign to glorify Horthy.

Unlike many other countries, hate crime is a separate offense in Hungary, but the Criminal Code does not contain any provisions recognising racism or other prejudice as an aggravating circumstance in the commission of a crime.

- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

Hungarian legislation does not contain such restrictions. However, on October 29, 2012, the Hungarian Parliament adopted the Law on registration of voters, according to which voters would have to register personally or on government website at least 15 days prior to voting in the April 2014 General Elections. These conditions do not affect ethnic minorities, but they can interfere with votes from the countryside.

- Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.

Such norms were not recorded by the monitoring in 2012. At the same time, Hungary lacks the law prohibiting the glorification of the Nazi past.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health-care, worship, etc.

Hungary has a large number of national minorities. According to official figures, they amount to 6% of the total population, while unofficial data shows that their number reaches 15%. Roma is the largest ethnic minority in the country. With the total population of 10 million, the number of Roma in Hungary amounts to 700,000–800,000 people, although during the 2005 census only 250,000 of them had officially recognised their origin. Roma is also the most discriminated minority in the country.

Segregation of Roma in schools remains one of the problems of modern Hungary. Almost 80% of Hungarian correctional schools are filled with Roma. Authorities explain this with the weak educational background of the Roma population, but in fact, the majority of Roma children are automatically assigned to these schools. This discriminatory practice, based on long-standing prejudices, remains in spite of all court rulings. 70% of Hungarian parents do not want their children sharing a desk with Roma. 86% of 16-year-old school pupils agree with them.⁵

Segregation takes on different forms — for example, many Roma children are placed in special correctional schools for children with mental and other disabilities, and this is done through biased tests. Some Romani children are sent to Roma-only schools, or schools where they constitute the majority of students, or they are placed in separate Roma classes. They are often subjected to segregation outside of the classroom as well — for example, they are not allowed to use common

playgrounds or canteens. In Hungary, Roma children can also be physically removed from the school education system because of “private” home schooling. In addition, teachers within the system of segregated education reportedly expect less from Roma students and therefore lower requirements towards them.

At the same time, there are examples of voluntary Roma segregation. Three schools in Hungary are known to specialise in educating Roma children — in Budapest, Szolnok and Pecs.

The ruling Fidesz party states that presence of the Roma majority in some rural schools is a fact, whereas the previous Socialist government preferred to transport young Roma to the neighbouring educational institutions in school buses, where they would mix with ethnic Hungarians.

Most Roma have a low social status and according to human rights activists, they are subjected to various forms of discrimination. Currently, out of 400 thousand able-bodied Roma, only one in every four has income. Usually, Roma take on low-paid seasonal or part-time work. At the same time, Roma are almost always the first candidates for dismissal, and often cannot achieve reinstatement through legal means.

On the street, police is three times more likely to stop the Roma than other citizens. Courts often sentence them to more severe punishments.

Arbitrariness of state and local governments is also obvious. For example, in order to receive social benefits, Roma have to be employed.

Hungarian government has launched a Roma employment programme, where they were offered to participate in community service for 150 euro per month for a 40-hour work week.⁶ This system violates human rights and gives local authorities the opportunity for abuse of power.

One of the Roma community leaders, Aladar Horvath, spoke about the plight of Roma in September 2012. He stated that Hungarian Roma last encountered such poverty in 1970, but they never faced such a lack of prospects.⁷

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Discriminatory legislation affecting minorities residing in Hungary in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5
-	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin	0

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication	0
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	–5
	Total for section 1	–10

2. Xenophobia and inflammatory statements of the authorities and in the media

Xenophobia mainly originates from the leaders of Hungarian radical right-wing parties, although members of the ruling Fidesz party, including the Prime Minister, have indulged in some inflammatory statements. Some of the cases are listed below.

One of the leaders of the Hungarian ultra-right nationalist party “Jobbik,” Marton Gyongyosi (Márton Gyöngyösi), delivered a controversial initiative to create a “list of Jews posing a threat to national security.” Speaking at the Hungarian Parliament on November 26, 2012, he commented on the recently concluded anti-terrorist operation “Pillar of Defence” in the Gaza Strip, making rather ambiguous observations.

“I think, in light of the events in the Middle East, it would be appropriate to compile a list of persons of Jewish origin residing in Hungary, especially those who are members of the Parliament and members of the Cabinet, since they pose a threat to our national security.”⁸

Several days earlier, on November 21, leader of Gabor Vona party spoke at a rally near the Israeli Embassy in Budapest organised by Jobbik, where he proposed the following programme: hold an “inventory” of Israeli capital in Hungary; publish and revoke the secret “pact” with Israel on hosting the Jews evacuated from the crisis situation, which was allegedly concluded by the Hungarian government; terminate the cooperation agreement between Hungary and the State of Israel from 2010; identify which of the Hungarian politicians have dual citizenship with Israel and forbid them from holding a seat in Hungarian Parliament.

Thereafter, a Hungarian MP and one of the leaders of Jobbik Eljod Novak sent a letter to members of the Parliament demanding to clarify whether they have dual citizenship.

In October 2012, Hungarian Prime Minister Viktor Orban made a speech at the opening of one of the monuments, where he stated that the country's borders do not coincide with the borders of the Hungarian nation. Many observers interpreted this as an allusion to Hungary's territorial claims to the neighbouring countries that have Hungarian minorities.⁹

During an anti-Roma demonstration in Devecser on August 5, 2012, a local deputy from Jobbik party encouraged locals to form paramilitaries in order to protect themselves from the Roma.¹⁰

On October 18, 2012, Jobbik party leader Gabor Vona participated in another anti-Roma rally, this time in Miskolc, where he drew attention to the high birth rate of Roma in Hungary. According to him, "Those who do not work should not have children."

Member of the European Parliament from the same party Zsolt Egyed, also spoke at this rally, stating, "We have to act now in order to save our future and the future of Hungary, to free ourselves from the Roma domination."¹¹

On October 23, 2012, allegations that Roma are the reason for the deteriorating crime situation in the country and that most crime is committed with their involvement sounded during an anti-Roma demonstration in Kerecsend organised by Jobbik.

Xenophobic appeals also widely circulated in the media and online. For example, website "kuruc.info" appeared in Hungary in the summer of 2012, which offered to pay readers who provide information about Jews "acting against Hungarians."

The founding member of the Fidesz party Zsolt Bayer gave an interview to "Magyar Hirlap" newspaper, which was published on January 5, 2013. There, he stated, "Most of Roma are incapable of living in a society. They cannot live among us, people. They behave like animals and should live among animals. They want to mate with everything they see. If they encounter resistance, they kill. They crap wherever they want. If they feel limited in something, they kill. Roma are incapable of normal human communication. When they talk, instead of saying words they produce animal sounds. These animals have no right to live. We have to solve this problem as fast as possible."¹²

In November 2012, Hungarian media was shaken by a scandal related to the Budapest University textbook written by a famous scientist, Hungarian Ambassador to Norway, Geza Jeszensky. In a chapter on mental disorders, professor (and Ambassador) wrote, "The reason many Roma are mentally ill, is that Roma culture allows siblings and cousins to marry and have sexual relations with each other."¹³

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Xenophobia and inflammatory statements of the authorities and the media	-5
	Total for section 2	-5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist and anti-extremist legislation, and legislation directed against incitement of ethnic and religious hatred in the country.

Article 14 of the Basic Law guarantees “fundamental freedoms for all persons, without any discrimination on the grounds of gender, race, colour, ethnic or social origin, nationality, disability, language, religious, political or other opinions, property, estate or other status.”

Article 15 of the Constitution refers to “prohibiting discrimination on racial, gender, religious, political grounds, as well as skin colour, language, social origin, property status, etc.”

One of the amendments to the new Constitution of the Republic of Hungary states that Hungary shall protect the Hungarian language; respect the languages of nationalities and ethnic groups residing in the country, as well as languages of other countries. The Constitution also protects the freedom of religion.

However, the numerous amendments to the Constitution and legislative acts create confusing in the protection of ethnic minority interests. As already mentioned, the basic law of the country contains bias towards Christianity, while national minorities are represented as citizens “living alongside the Hungarian nation.”

Hungarian government regularly refers to “zero tolerance” policy towards any manifestations of anti-Semitism.¹⁴ The government reinforced its words with actions — introducing several amendments to the Criminal Code (Law 100/2012), providing punishment for “pitting one part of the people against another.” Furthermore, membership in anti-Semitic groups is considered a criminal offence as well as violence against people. Holocaust denial is criminalised in Hungary.

At the same time, Hungarian Criminal Code equates Nazi crimes and Communism, which negates the meaning of Holocaust and the Nazi genocide in Europe during 1940s.

- Presence and improvement of anti-discriminatory legislation.

Under the fourth amendment to the Constitution of Hungary, “freedom of expression shall not be carried out with the aim of insulting the dignity of Hungarian nation, or a national, ethnic, racial or a religious group.”

Article 12(3) of the Constitution talks about provision of asylum and protection of foreign refugee rights, who are “subjected to persecution in their home country or in the country of their permanent residence on the grounds of race, nationality, membership of a particular social group, religious or political views.”

Hungary officially fulfils all European and international regulations prohibiting any form of discrimination, including Directives 2000/43/CE from 29/06/2000 and 2000/78/CE from 27/11/2000. In 2004, Hungary adopted the Law “On Equal Treatment and Equal Opportunities,”¹⁵ which introduced the concept of direct and indirect discrimination and prohibited discrimination on the grounds of age, sexual orientation, illness, race, ethnicity, religion or belief.

In May 2012, Parliament introduced amendments to the Criminal Code, which outlawed the openly offensive behaviour, real or perceived threats towards the members of racial, ethnic or other groups. Amendments also introduced criminal responsibility for unsanctioned actions to maintain public order or public safety that prompted fear in others. This became government’s response to the “patrolling” of Roma neighbourhoods, which is popular among the neo-Nazis. Furthermore, responsibility for Holocaust denial was also introduced.

- Compliance of the authorities (central regional, municipal), the law enforcement and judiciary, with anti-Nazi, anti-racist and anti-extremist legislation. Compliance with anti-discriminatory legislation and legislation directed against the incitement of ethnic and religious hatred.

An Anti-Discrimination Agency was established in 2005 in order to monitor the implementation of the “Equal treatment and equal opportunities” Law. In 2012, the Agency identified 81 cases of discrimination on ethnic ground.¹⁶

The Hungarian Human Rights Ombudsman controls the implementation of minority rights. Since January 1, 2012, necessary changes were made to the discrimination control system.¹⁷ The main function of control was assigned to the Human Rights Ombudsman Office. The Office is regarded as the most important body that monitors cases of discrimination. However, the abilities of this institution are limited due to the tense political situation and the recently formed, through the fault of Fidesz party, practice when the executive predominates over the legislative and judiciary.

According to current practice, the frequent cases of anti-Semitism and discrimination against Roma are practically devoid of official reaction by the authorities. Anti-Roma processions supported by the ultra-right forces is accompanied by the inaction of police officers, who are formally present at demonstrations, but take no real measures to curb the aggressive attacks of protesters.

Discrimination is especially apparent against Roma, in rejection of their fashion of clothing, lifestyle and skin colour. For many Roma, trips to the store, nightclub, etc. turn into serious problems. Employment of Roma continues to be an issue as well, which is explained with lack of education on the one hand, and hidden forms of discrimination on the other, which causes a real displacement of Roma from the industry.

Nothing is being done to eliminate the segregation of Roma children in the education system as well. On the contrary, as already mentioned above, with Fidesz party coming to power many localities abandoned the practice of driving Roma children to ordinary secondary schools in public buses.

In 2012, there were cases of AIDS and HIV infected people being refused medical care unrelated to their disease. In connection to this, Hungarian Ombudsman Mate Szabo even appealed to the Minister of Human Resource Development in December, asking him to take necessary measures to improve the situation.¹⁸

- Responses to hate crime (criminal proceedings against organisers and participants, convictions).

Hungary has serious deficiencies in law enforcement, when it comes to hate crime. This includes the classification of hate crime as domestic violence, the high latency of hate crime due to victims' distrust towards the police and law enforcement's reluctance to initiate such proceedings. There is also lack of statistics that would allow to judge the extent of such crime.

For these reasons, experts find it difficult to identify the exact number of hate crime in the country. Nevertheless, according to the independent Athena Institute that specifically created to study hate crime in Europe in general, and Hungary in particular, 121 cases of hate crime were recorded in the country between 2009, when research was launched, and 2012. Experts believe that 25 such cases took place in 2012 alone.¹⁹

Athena Institute also provides interesting figures on motivational trends in hate crime. In particular, experts determined that 48% of all hate crime in 2012 was committed on the ground of racism (mostly against Roma), 44% — on the ground of anti-Semitism, 4% were re-

lated to homophobia and another 4% were committed on the grounds of both racism and anti-Semitism.²⁰

Compared to 2011, the monitored period saw a 7% decrease in racially motivated crime (48%) and 6% decrease in crime motivated by homophobia. However, the number of crimes motivated by anti-Semitism had increased by 20%. 16% of hate crime resulted in injuries.

A significant number of hate crimes were committed in Budapest (36%), 68% of them were related to victim's property or cemeteries, monuments, etc. (vandalism).

Thus, it is possible to trace the conditional relationship between the intensity of official statements by politicians, aimed against a particular ethnic or religious group (in 2012, it was Jews) and the increase in xenophobia in the society, directed against this group.

According to the Office of the UN High Commissioner for Human Rights, police almost never used force against the participants of various neo-Nazi and radical nationalist demonstrations, when they break the law.²¹ There were also cases of police officers' personal involvement in the beatings of Roma.

Meanwhile, according to Article 269 of the Criminal Code, any person who incites hatred against (I) the Hungarian nation or (II) any national, ethnic, racial group or a particular group of the population, shall be guilty of crime punishable by imprisonment for a term up to three years. Although, only a few cases of prosecution under this Article are known. Mostly, these were related to leaders and activists of banned organisations, who were accused of not only violating Roma rights and freedoms, but also in "abuse of the right to association." Nevertheless, majority of these cases never reached court. A considerable part of defendants was acquitted.

Hungarian government does not systematically track the cases of hate crime and violence. Police, prosecution and court officials are reluctant to consider racial motives as an aggravating circumstance in the commission of a crime — this provision is clearly absent from the Criminal Code, only the base motives are recognised.

Authorities do not gather information about the victims of crime by their ethnic groups. As already stated, the country has no reliable statistics on the actually number of racially motivated crimes. According to available data, the number of cases investigated under the relevant Articles of the Criminal Code is extremely low. According to this information, only 8 such attacks were investigated in 2012, while non-governmental organisations indicate that the number of such cases was much higher.²² For example, speaking at a press-conference in Tel-Aviv, dedicated to the new study "Anti-Semitism Worldwide 2012. General Analysis," president of the European Jewish Congress Moshe Kantor stated that "the most alarming situation with anti-Semitism and xeno-

phobia is in Hungary, where attacks against members of ethnic minorities happen almost *every week*.”²³

In 2012, despite all efforts, anti-Roma “marches” were held in the three Roma settlements — Devecser, Cegled and Miskolc — accompanied with attacks against Roma themselves and their property. Three Hungarian NGOs addressed an open letter to the Hungarian Minister of the Interior and the head of national police, where they expressed concern with violence in Devecser, stating that by not dispersing the demonstrations the police failed to protect locals’ freedom of speech, right to equality and safety. In August 2012, several criminal cases were initiated in connection with the attacks against antifascists, vandalism and neo-Nazi calls during various radical nationalist events. However, none of these cases were brought to court.

Facing internal and international criticism, Hungarian judiciary started a large-scale trial against the four neo-Nazis in 2012. Defendants were accused of murder of six Roma motivated by racial hatred, which they committed from March 2008 to August 2009. Looking ahead it can be said that three of the defendants received life sentence in 2013, and one was sentenced to 13 years imprisonment. Court found them guilty of nine attacks against Roma. However, another court — in Miskolc — sentenced nine Roma from Sajóabony and Borsod to a prison term of 2.5 to 4 years in May 2013, finding them guilty of “crimes against the nation.” Their crime was that in November 2009 they were involved in a clash with the Jobbik party activists, who were holding an unsanctioned anti-Roma demonstration while shouting racist insults.²⁴

One of country’s main problems is that Hungarian police is unable to identify hate crimes, as there are no regulations describing the identification and investigation procedures of such crime.

Realising this, Ministry of Interior started the development of a police operations protocol for such crimes in January 2012. In May, a police officer training programme was launched, involving the Toronto (Canada) police representatives, who have extensive experience in combating such crime.

Hungarian authorities have demonstrated some progress in 2012 regarding the search and punishment of neo-Nazi criminals. On July 18, Laszlo Csatory, a Nazi criminal who was sentenced to death penalty in Czechoslovakia in 1948 for his involvement in Nazi crimes, was arrested and placed under house arrest. In 1955, he moved to Canada and received Canadian citizenship, which he lost in mid-1990s after the discovery of his Nazi past.

Historian Adam Geller from the Hungarian Holocaust Museum found Csatory’s signatures under numerous documents on deportation

of 15.7 Jews to Auschwitz from 1941 to 1944.²⁵ Csatory died a month before the trial at the age of 98 years.

Thus, it can be concluded that the struggle against hate crime did take place in Hungary in 2012, but it was carried out unsystematically, inconsistently and on a limited scale.

- Unlawful use of anti-extremist legislation.

There were no such cases. However, on April 15th, Hungary enacted the law on minor offenses, which provided punishment for homeless in the form of prison sentences. In November 2012, the Constitutional Court cancelled this law.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-Nazi, anti-racist and anti-extremism legislation, legislation against incitement ethnic and religious hatred in the country	5
×	Presence of anti-discrimination legislation	5
-/×	Compliance of the authorities (central regional, municipal), the law enforcement and judiciary, with anti-Nazi, anti-racist and anti-extremist legislation. Compliance with anti-discriminatory legislation and legislation directed against the incitement of ethnic and religious hatred	2.5
-/×	Counter-actions against hate crimes (criminal cases against organisers and participants, convictions)	2.5
-	Unlawful use of anti-Nazi, anti-discrimination and anti-extremist legislation	0
	Total for section 3	15

4. Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

Aggressive actions of nationalists caused strong protests not only from the opposition, but also from the leadership of the ruling coalition.

In April 2012, Prime Minister Viktor Orban spoke at the Parliament, discussing the Socialist Party’s proposal to establish an Ethics Commit-

tee, which would punish MPs accused of racism, xenophobia and anti-Semitism.

“Government rejects all manifestations detrimental to human dignity. Government guarantees that all minorities in Hungary can live in safety. We will protect them, including the Jewish minority living here,” Prime Minister stated.²⁶

In July 2012, Orban gave an interview to “Focus” magazine, where he stressed that his government has a zero tolerance policy towards any anti-Roma manifestations, as well as anti-Semitism.²⁷

Press Secretary of the ruling party Fidesz Gabriella Selmeczi has made repeated statements that the government is doing everything possible to improve the situation of Roma.²⁸

On the Holocaust Remembrance Day in Hungary, State Secretary of the Ministry of Human Resources Gyorgy Holvenyi stated that the government will make every effort to suppress the voices of hatred and protect all citizens from violence. “Hatred has no place in public life and its horrors should never be repeated,” he stated.

One of the Socialist Party leaders, member of the Wallenberg memorial committee Andras Balogh spoke at the ceremonial meeting dedicated to the victims, where he said that Roma are an integral part of the Hungarian society and what is happening to them could happen to anyone.²⁹

In September 2012, Minister of Foreign Affairs Janos Martonyi addressed a letter to the American Jewish Committee, where he stated that Hungary is planning to rehabilitate Admiral Miklos Horthy, a Hungarian regent in the period of 1920–1944. Although, the Minister corrected himself, saying that it is necessary to conduct relevant historical research to figure out “what was right and what was wrong in his actions.” Martonyi’s statement came in response to the letters by three Jewish organisations, including the AJC, protesting the opening of memorials to a Hungarian dictator, Nazi collaborator, in several Hungarian cities at once. At the same time, Minister of Foreign Affairs expressed Hungarian government’s commitment to protecting minorities from any forms of hatred.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
	Total for section 4	5

5. Activities aimed at promoting tolerance and preventing extremism

Several such events were recorded in 2012. Some of them are listed below:

In July 2012, Hungary introduced an initiative of utmost significance in terms of development of tolerance in the society. The government agreed to subsidise social service for Jewish Holocaust survivors residing in the country, as well as those currently residing in other states, including Israel.³⁰ Thus, the government has demonstrated its commitment to European values and demonstrated its position regarding Hungary's responsibility for the Holocaust, as well as anti-Semitism in the country.

From June 27 to July 2, 2012, Budapest hosted 14 LGBT Olympics, which the authorities considered an important turning point in overcoming prejudices against homosexuals in the society. Jobbik party protested the Gay Olympics in Budapest.

On July 1–8, Hungary held a gay festival of Film and Culture. The festival programme included film screenings, concerts, public discussions and cycling around Budapest. Gay parade was held in the Hungarian capital on July 7, as part of the above-mentioned festival, aimed to draw more attention to the LGBT community, as well as combat prejudices and bond with the majority of society. It is important to point out that the gay parade was held by the decision of Budapest City Court, which overturned the police injunction. 16 foreign embassies had also expressed solidarity with the LGBT community.

In late August 2012, spontaneous demonstrations occurred in Budapest, protesting against the domination of the banned paramilitary organisation — activists of the Jobbik “militia” — the so-called Budapest Guard. Flash mob consisting of several dozen people was organised in response to a series of vandalisms — desecration of monuments to the victims of Nazism during World War II. The protest was also directed at police officers, who once again demonstrated inaction.³¹

In December 2012, the Democratic Party of Hungary introduced an initiative to ban the radical nationalist party Jobbik. The party is not part of the parliament, however it expressed its intention to find support among the parliamentary parties. Commenting on the initiative, party spokesman Csaba Molnar stated that Democrats will present a package of proposals aimed to expel anti-Semitic and racist views from the Parliament, and will initiate a ban of the radical nationalist party “For a better Hungary” (Jobbik).

In addition, party's package of legislative proposals included the ban on dedicating the names of public places and erecting monuments to anti-Semitic politicians and artists. The proposal also encouraged

the government to remove anti-Semitic authors from the national school literature curriculum, as well as ban uniformed demonstrations.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Activities aimed at promoting tolerance and preventing extremism	5
	Total for section 5	5

6. Status of migrants and Immigrants' standing in the society, society's attitude towards immigrants, foreigners, various ethnic groups

Indicators

- Presence and improvement of immigration law.

Fundamental laws governing migration in Hungary include the Law on Refugees, Law on Entry and Stay of foreign citizens, the Hungarian Citizenship Law and Education Law. Hungary does not have a separate law on migration.

Hungarian Law on refugees defines refugees and the basic criteria for the recognition of a refugee, an asylum seeker, or a person under temporary protection. In general, Hungarian legislation on refugees corresponds to EU standards in the field of refugee reception and application procedures. The law also prescribes the procedure for refugee status recognition.

The law "On Entry and Stay of foreign citizens" prescribes rights and obligations to third country citizens in terms of entry and stay on the Hungarian territory. It also allocates responsibility and authority of various government bodies on regulating the entry and stay of foreign nationals. The law corresponds to the EU Directive 2004/38/EC "on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States."

The Citizenship Law was modified in 2010, entering into force in January 2011. It simplifies the procedure of obtaining Hungarian citizenship for persons of Hungarian origin. For other persons, the procedure of obtaining citizenship remains rather difficult. Formally, they can only obtain it after living in Hungary for eight years with a permanent residence status (three years for spouses of Hungarian citizens). The citizenship application can also be rejected without explanation and with no right to appeal.³²

In 2012, discussions started on the amendments to the Citizenship Law, which were adopted in 2013, according to which the Hungarian permanent residence permit can be obtained in exchange for an investment of more than 300 thousand euro.

Furthermore, the law tightened requirements towards the candidates for refugee status and the internally displaced persons — the authorities reserve the right to send them home in the event that their application was rejected once. Previously, persons belonging to this category of immigrants had the right re-submit their statement for the second time.

The Education Law provides for compulsory attendance of educational institutions for the children of foreign nationals, if their stay within Hungarian territory is more than one year.

Thus, the current migration policy of the Hungarian government has three main functions: to support the right to free movement within the EU and to fully respect the Schengen Agreement; to implement a restrictive policy towards citizenship and asylum applicants of non-Hungarian origin from third countries; to support immigration of ethnic Hungarians residing in neighbouring countries.

Despite Hungary's accession to the European Union, it remains a country with low immigration rates. The population of the country is around 10 million, while the proportion of foreigners is 2.1%.³³ Although it should be recognised, that the proportion of foreigners (foreign citizens) in Hungarian population has doubled over the last ten years. This process has intensified since country's accession to the EU. Foreigners account for less than 4% of the labour force in Hungary.

Majority of immigrants arrive from Europe — traditionally these are ethnic Hungarians from Romania, Ukraine and Serbia. Recently, immigration from Germany has also intensified, mainly consisting of business representatives. Asia is the largest source of immigration from outside Europe. Though their numbers are growing, this group only accounts for 12.7% of immigrants to Hungary. A significant part of this group consists of immigrations from China, although their numbers decreased due to the deteriorating economic situation in the country.

- Authorities' compliance with such legislation (law enforcement practice).

Legislation is generally complied with, while it should be noted that the modernisation of the Citizenship Law in 2010 has resulted in a sharp increase in new citizens, mainly due to ethnic Hungarians.

If in 2010 Hungarian citizenship was granted to just 6,086 persons, in the period from January 2011 to March 2012 a record number of 230,000 persons passed naturalisation, while 130,000 applications were pending. Citizenship applicants were mainly immigrants from Ro-

mania, which was the only country with a large Hungarian minority that welcomed such changes to the Hungarian Citizenship Law, since it has similar legislation itself.³⁴

Ukraine and Slovakia, however, have already made it clear that those accepting the Hungarian citizenship could lose citizenship of their countries.

It must also be said that naturalisation has not yet led to mass re-emigration of the new citizens.

So far, Hungary is successfully opposing the sharp inflow of illegal immigrants. By September 2012, Hungarian police had arrested 5,294 illegal immigrants. In comparison, 3,324 illegals were arrested over the same period in 2011. These are predominantly citizens of Serbia, Afghanistan, Algeria, Morocco and Macedonia.³⁵

- Discriminatory practices against immigrants.

Human rights organisations draw attention to the increased cases of Hungarian authorities returning the asylum seekers back to their countries of origin, especially to Ukraine, where they were subjected to serious oppression.

- Use of the “ethnic crime” topic in order to discriminate against immigrants.

The subject of “ethnic crime” is one of the main arguments of Hungarian nationalists, especially in relation to Roma. According to them, the so-called “civil patrols,” created to “compensate the deficit of police presence in Roma neighbourhoods,”³⁶ anti-Roma processions in the three Hungarian cities in 2012, attacks on the Roma — all this is justified by the need to combat “Gypsy crime.”

Nationalists make numerous accusations against the Roma peoples, accusations of theft, begging, living outside the society by their own rules, claiming that that they do not accept integration and modernisations, that they pose a threat to demographics, and so on.

For example, in August 2012, the leader of the party “For a better Hungary” (Jobbik) Gabor Vona, speaking at a rally in Budapest dedicated to the 5th anniversary of the currently banned paramilitary extremist Hungarian Guard, stated that Hungary currently faces numerous problems, and Gypsy crime is one of the most important.³⁷ He called for “zero tolerance towards Gypsy crime.”

- Social welfare for immigrants.

Economic and social rights are guaranteed to everyone in Hungary, and are therefore applied to both the citizens and the foreign nationals. However, this is not the case for the asylum seekers and temporary residents.

According to the Law on Refugees, asylum seekers have the right to receive medical care, as well as an obligation to undergo medical examination and, if necessary, receive medical treatment and vaccinations, which are mandatory in accordance to the sanitary-epidemiological norms and regulations.

Other categories of foreign nationals, when entering the Hungarian territory for more than three months, are required to have health insurance or proof of income sufficient to cover the potential cost of treatment in the country.³⁸

Furthermore, according to the law on refugees, asylum seekers have the right to accommodation and basic assistance in refugee reception centres. Refugees must be placed in refugee centres, or any other facility specifically designed to accommodate refugees. Government support for refugees includes housing benefits if housing costs exceed 35% of the total family income.

According to the law on general education, children of foreign nationals are required to attend education institutions upon reaching school age, with the exception of children who reside in the country for less than a year.

Foreign nationals who possess a permanent residence permit, as well as refugees and persons under temporary protection, are not required to have a work permit in Hungary.

Asylum seekers and persons possessing a temporary residence permit are required to obtain work permit. Furthermore, asylum seekers can only receive such permit a year after their application for refugee status. Prior to this, they are only allowed to work within the territories of refugee centres.³⁹

- Negative attitudes towards immigrants, foreigners, different ethnic groups.

Official opinion polls indicated that the level of hostility towards foreigners and members of national minorities permanently residing in the country has increased. This is particularly evident in relation to Jews — if previously, the attitude towards them was positive or neutral (5 out of every 9 respondents shared this view), since 2010, only 4 out of every 9 respondents had a neutral attitude towards Jews. 28% of respondents in 2010, and 14% of respondents in 2011, had openly stated their dislike towards them.⁴⁰

According to the Anti-Defamation League, since 2009, the level of anti-Semitism has dramatically increased compared to other European countries. The survey conducted in 2012 in ten countries showed that 80% of Hungarian respondents had a “bad” impression about Jews (60% in 2009), 73% believe that Jews play too large a role in the economy (67% in 2009), and 75% believe that Jews play too large a role in

international finance (59% in 2009).⁴¹ 63% of respondents believe that Jews talk too much about the Holocaust (56% in 2009). Despite the drastic increase in attacks against Jews, 73% of respondents believe that the government is doing everything possible to protect them.

However, the most “hated” minority in Hungary is Roma (on the scale of 1 to 9, the attitude towards Roma is estimated at 4).⁴² Geographical location of attacks against Roma indicates that the majority of them occurs in the north and northeast of the country. These are also regions with the most supporters of the radical right-wing party.

At the same time, more than 2/3 of the Hungarian population does not believe that there is a fascist threat in the country.⁴³

Survey conducted by the Tarki Institute in 2012 showed that the majority of Hungarians would like the government to tighten immigration rules. 63% of respondents were in favour of “closer monitoring” of immigrants, and 59% were in favour of publishing criminal’s race. 55% agreed that the increased immigration increases the threat of terrorism. Almost half of respondents would not wish to neighbour beside Roma, 43% said the same about Arabs, and 33% said this about Chinese.⁴⁴

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence and improvement of immigration laws	5
×	Authorities’ compliance with such legislation (law enforcement practice)	5
×	Discriminatory practices against immigrants	-5
×	Use of the “ethnic crime” theme in order to discriminate against immigrants	-5
×	Social assistance for immigrants	5
×	Negative attitude of the society towards immigrants, foreigners, various ethnic groups	-5
	Total for section 6	0

7. Incitement of religious and ethnic hatred

Indicators

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

The most blatant appeal to ethnic and religious hatred was a statement made on November 26, 2012, by the chairman of the International Relations Committee of Hungarian parliament, member of the party “For better Hungary” (Jobbik), Marton Gyongyosi.

Deputy Head of the foreign policy committee of a country that is part of the EU, appealed to the government with a demand to compile a list of MPs and government officials of Jewish origin, since they “pose a threat to national security.”⁴⁵

According to the popular Canadian-Hungarian website Kanadai Magyar Hirlap (<http://kanadaihirlap.com>), “The last time such blatantly racist statements were heard in Hungary’s Parliament was during the darkest days of the Holocaust, during the Regency of Admiral Nicholas Horthy.”⁴⁶ The publication notes that what is astonishing about Gyongyosi’s statement is not so much the content, but the fact that Hungarian mass media is full of such hate-mongering, while Viktor Orban’s government and the government’s National Media Council does absolutely nothing to dampen such shameful rhetoric. Even more astonishing was the fact that this anti-Semitic rhetoric was listened to without any protest by Hungarian MPs. Gyongyosi was not interrupted by anyone.

Moreover, several days later, without seeing any reaction to Gyongyosi’s statement, Eljod Novak sent a letter to MPs demanding to reveal their double citizenship (Hungarian and Israeli), if they have it.

No less astonishing was the statement by the Jobbik party leader, Gabor Vona, during another anti-Roma procession on March 18, 2012, in Miskolc. Vona stated that Roma, who are giving birth to the future unemployed, should be “banned to have children.”⁴⁷

Xenophobic and blatantly racist materials regularly appear in fairly popular media. For example, the sensational racist interview with a prominent member of the ruling Fidesz party Zsolt Bayer, published in Magyar Hirlap, where he compared Roma to animals, is yet another masterpiece of the Hungarian neo-Nazism.

During the campaign for the arrest and trial of a Nazi war criminal Laszlo Csatory that was launched by the Simon Wiesenthal Centre, in July 2012 a well-known Hungarian radical nationalist website Kuruc.info, located in the USA, offered a cash reward of one hundred thousand forints (\$450) for the information about the protesting demonstrators who urged the government to arrest the Nazi criminal. The anti-fascist demonstration took place near Csatory’s house in Budapest. In order to receive the cash reward, one had to email the website with “photos, videos, addresses, telephone numbers and personal details.” Information was concluded with a call — “Good hunting!”⁴⁸ Previously, the same website offered cash rewards for information about Jews “acting against Hungarians.”

During his visit to Washington, Hungarian Prime Minister's spokesman Peter Szijjarto requested to close the Kuruc.info website, as it is practically used to incite violence. However, he was rejected due to the First Amendment to the US Constitution.⁴⁹

Anti-Semitic and anti-Roma graffiti are very common in Hungary. Often, they are part of acts of vandalism. For example, a monument to Holocaust victims in the 13th district of Budapest was desecrated in May 2012. Anti-Semitic vandals wrote the following words alongside the Stars of David: "This isn't your country, dirty Jews," "You will be shot there" — with an arrow pointing towards the place on the Danube River, where Jews were executed during the Second World War.⁵⁰

The radical right-wing party Jobbik owns a whole range of media, where it openly promotes its views. These include: <http://kuruc.info>, <http://www.jovonk.info>, <http://alfahir.hu>, <http://hazai-palya.hu>, <http://www.szentkoronaradio.com>, <http://demokrata.hu>, <http://hun-hir.info>, <http://kitartas.mozgalom.org>, <http://paxhungarica.org>.

- Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.

Nazi rock subculture is quite popular in Hungary. A regular festival, Magyar Sziget, was held Veroce in July 2012. The festival is not only known as a major musical event organised for Hungarian radical nationalists, but is also popular among the many European far-right organisations.

Well-known nationalist parties annually send their representatives to the Magyar Sziget, despite the fact that this has caused them to appear in the headlines of several newspapers condemning the radical festival. Last year, for example, British newspaper "The Sun" published scandalous pictures of a member of the British National Party Chris Hurst doing a Nazi salute.

During the festival, the city, as always, hosted a fair that openly sold Nazi symbols of the Third Reich, souvenirs and Hitler's Mein Kampf, translated into several languages.

In 2012, the festival organisers paid special attention to the international component, giving it a separate programme. According to the radical right-wing website right-world.net, "nationalists from different countries had the opportunity to attend meetings and lectures on various topics, martial arts competitions and participate in games and entertainment."⁵¹

This was already the 12th annual festival. During the monitored period, it was visited by several thousand nationalists from different countries, including representatives from the radical right parties of Italy, Spain, Sweden, Norway, Poland, France and others.

At the roundtable, nationalists discussed the situation in their countries and agreed on the need for a more consolidated work of European

far-right organisations. Afterwards, a joint statement was signed, including the declaration of the following principles of European radical nationalists:

1. Struggle against a common global enemy in defence of traditional values.
2. Creation of a shared nationalist media.
3. Start building an economic alternative based on monetary independence and economical exchanges between European nations and nationalists movements.
4. Regularly host international meetings of the far-right and coordinate actions in the European space.⁵²

The main organiser of this annual festival is the Jobbik party. The organisational process and the event itself is managed by a member of this party, parliamentarian Gyula Gyorgy Zagyva. Press that have no affiliation to Jobbik party have great difficulties with visiting this event.⁵³

On a smaller scale, but also annually, Hungary hosts a similar festival called EMI. Of the nationalist rock bands, it is worth mentioning “Carpathia,” which uses historical themes.

Right-wing radicals often use musical events to promote their views in general. For example, Jobbik party sponsors festivals of folk music and uses them to promote their ideas and recruit new supporters.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts	-5
	Total for section 7	-10

8. Radical nationalist groups and parties

Indicators

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).

The oldest Hungarian radical right-wing party is the “Party of Hungarian Justice.” Created in 1990s, the party was able to actively promote its ideas in the parliament until 2002. Founder of the party, a well-

known Hungarian playwright, poet, political activist and a no less famous anti-Semite, Istvan Csurka, died in February 2012. Currently, the party is promoting its views on the internet.⁵⁴

Party “For a Better Hungary” (Jobbik) was formed in 2003 under the leadership of Gabor Vona by the former members of the “Party of Hungarian Justice” who were unhappy with its policies. The party’s name consists of a play on words — word “Jobbik” has two meanings in Hungarian — “best” and “right.” Gradually, the party became a leading radical right wing party in Hungary, beating its predecessors from the “Party of Hungarian Justice” in their radicalism.

At the last elections, the party received 17% of votes, gaining 40 seats in the Parliament. This allows the party to actively spread its views throughout the country. The number of party’s supporters as of 2011 equates to 13,000.⁵⁵ In the 2009 elections to the European Parliament, the list of “For a Better Hungary” party (Jobbik), headed by a former liberal human rights activist Krisztina Morvai, gained 14.77% of Hungarian votes. This allowed the party to take third place after Fidesz and the then-ruling Hungarian Socialist Party, gaining 3 seats in the European Parliament.

The party gives an impression of a “defender of society’s interests,” a party that brings truth to the masses. This truth is expressed in the promotion of anti-Semitic ideas inside and outside the Parliament. For example, on April 3, 2012, member of the “For a Better Hungary” party Zsolt Barat stated that Jews have conspired against Hungary. The party also encourages an open struggle against the Roma, whom they accuse of the increased crime rate.

Jobbik’s political success is attributed to large-scale propaganda of its ideology. Supporters of the party are educated, middle class, middle-aged or younger (52% are under the age of 40). 46% of the party followers despise Roma and call on “pushing” them out of the country.⁵⁶ Due to successful propaganda of its ideas, including through the so-called “direct action” — the illegal patrolling of the Roma neighbourhoods, anti-Roma marches in Roma settlements, etc. — the party managed to gain support of a significant part of the population.

A long-time prominent ideologist of the party was a member of the European Parliament, anti-Semite, Csanad Szegedi, until he retired in July 2012. His practice was discontinued after his Jewish origins have been revealed.

Interestingly, the party made an official protest against the anti-Hungarian actions in Ukraine, organised by radical nationalists from the Ukrainian party “Svoboda” in Transcarpathia.⁵⁷

Along with Jobbik, Hungary has another well-known radical nationalist party — the Hungarian Phoenix Movement (Magyar Főnix Mozgalom). Founded in 2010 by the former chairman of “For a Better

Hungary” party, Biber Jozsef Tibor, this radical nationalist party advocates Christian values. The party generally includes the former Jobbik nationalists, who believe that it “does not sufficiently support national ideas.”⁵⁸ The new party intends to participate in the 2014 elections and defines itself as an “independent radical national force.”

Jobbik party was affiliated with extreme right groups from the very start, particularly with the “Hungarian Guard” (Magyar Gárda) that was established in 2007 and has features of a paramilitary group. In July 2009, the court disbanded this organisation. However, it continued its activities in a new format. Breaking up into several groups, the organisation started to position itself as “national security service.”

This “service,” in close cooperation with Jobbik, organises the so-called “civil patrols” in Roma compact settlements. Despite the injunction against the use of party uniform, its supporters continue to wear it. The uniform depicts the party symbol, the “Crossed Arrows” of the Hungarian National Socialist Party (1937 — April 1945), which was in power from October 17, 1944 to March 1945.

Another old radical nationalist group is the Hungarian National Front (Magyar Nemzeti Arcvonal), founded in 1989.

This paramilitary group was actively cooperating with the Jobbik party and the groups previously included in the “Hungarian Guard.” In recent years, the organisation specialised in conducting various trainings for its members and followers.

HNF training centre is located near the city of Gyor. Trainings include seminars on “theoretical training,” as well as serious sport and combat trainings.⁵⁹

Hungarian National Front training programme includes such subjects as the “Basic theoretical and practical tactics,” “Gun training,” “Pneumatic weapon shooting,” “Basic theory and practice of indoor work,” “Theory of urban tactics.” Invitations that are sent to those wishing to take part in such trainings read, “queers, gypsies and Jews cannot participate.” In addition, they state that only those who “refused the gypsy and Jewish lifestyle (crime, drugs, etc.)” can participate.⁶⁰

Hungarian National Front’s programme includes removing Roma from the country, which they expect to complete within 24 hours, if a “nationally orientated government” comes to power.⁶¹

There are many other small radical nationalist organisations, such as the “Army of Criminals,” 64th District Youth Movement (Budapest), (HVIM) and others.

- Discriminatory demands towards the minorities in programmes of these parties and in statements of their leaders.

The main slogan of the Hungarian Justice Party, which is apparently in decline since the death of its leader, is the traditional far-right

slogan “Hungary for Hungarians.” This includes moderate anti-Semitism and no less moderate anti-Roma sentiments. The party opposes “foreign domination” and is characterised by its anti-communist and anti-socialist orientation.

“For a Better Hungary” (Jobbik) defines itself as radical and national-conservative party. Independent observers classify the Jobbik party as extreme right wing. The party actively uses anti-Roma, anti-Semitic, homophobic and anti-immigrant rhetoric, even though it officially denies anti-Semitic and homophobic ideology. In its manifesto, the party calls for the recognition of the term “gypsy crime” and combating it. The leader of the party, Gabor Vona, also calls for gypsy birth control and forced transfer of Roma children “of lazy parents” to boarding schools.⁶²

The Hungarian Phoenix Movement is also primarily anti-Roma, although its main criticism against Jobbik is that the “party only addresses the gypsy problem, and in such a way that it could soon lead to a civil war.”⁶³

The officially declared aim of the Hungarian Phoenix Movement is to eliminate “ethnic crime, committed by gypsies in Hungary.” The leader of the party, Biber Tibor, as well as other party leaders, like to demagogically claim that the crime rate among the Roma is allegedly eight times higher than among the Hungarians. The party aims to take decisive action “against those gypsies that refuse to integrate into society.”

Another declared goal is to solve the issue of domestic violence and advancement of women. The last goal is the establishment of a business federation for Hungarians living abroad. Hungarian Phoenix Movement declares that it cares about traditional Hungarian values and “fulfils a cultural mission.”⁶⁴

The banned “Hungarian Guard” was founded as a separate party, but with the emergence of Jobbik it essentially turned into its “militia,” protecting Jobbik’s public events and responsible for the so-called “civil patrols” aimed against the Roma. As already mentioned, the organisation continued its operation after the ban as a number of separate organisations, positioning themselves as “national security service.” This organisation, as well as the Hungarian National Front — is a typical extremist structure, serving the same ideological positions as their “elders” from Jobbik. However, the lack of a party structure and the non-parliamentary nature allows them to act with more extremist positions, calling to rid the country of all Jews and gypsies, and recently — immigrants.

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.

Public opinion polls in Hungary indicate that the society is sick with xenophobia. Nationalist parties have successfully exploited the real

facts of crime in the Roma community, such as the lynching of a Hungarian teacher in 2006, who decided to give a Roma woman a ride home, and was murdered as a result (this resulted in a series of murders of Roma, and only a few criminals appeared before the court in 2013). Most importantly, however, nationalists have successfully exploited the 2008 economic crisis, putting all the responsibility on Jews and Roma. Jews were accused of supposedly “capturing” all leading positions in the Hungarian economy and “intentionally destroying it, while enriching themselves.” Roma were accused of the increased crime rate and the fact that they are “useless elements of the society, who can only reproduce,” whom the government has to support on taxpayers money. Immigrants were accused of “capturing Hungarian jobs,” and so on.

Given that the level of latent xenophobia, according to several human rights organisations, reaches 50% on average (see section 6), and that the drastic increase of nationalist sentiments happened after 2009, it can be assumed that the influence of radical nationalist in society is growing.

Public opinion polls conducted in 2012 show that the level of the absolute support for nationalists remains at 10–12%, but the number of undecided voters is around 50%,⁶⁵ which can potentially bring the Jobbik party to second place in the 2014 parliamentary elections, after the moderately nationalist Fidesz party. Although, compared to 2011, this support had significantly decreased.⁶⁶

- Neo-Nazi and radical nationalist influence over the local legislative and executive bodies.

In 2010 local elections, nationalists did not receive a majority in any of the electoral districts, but they were able to pass their representatives into mayoral positions in four Hungarian cities: Hencida, Tiszavasvári, Ridge Hodasz and Bekesszentandrási.

Jobbik party candidate was successful in the 2011 mayoral snap elections in Gyongyospata, receiving 33.8% votes. In 2012, the party was able to win another mayoral snap election in Tiszavasvári.

Furthermore, Jobbik party managed to quickly create its own extensive regional network. With the support of radicals from the former “Hungarian Guard,” they quickly launched the so-called programme of “direct action,” created “civil patrols” and organised regular patrols of the Roma neighbourhoods. With their help, three anti-Roma marches were held in various Hungarian cities in 2012 alone, accompanied by attacks against Roma and their property.

Behaviour of police and representatives of the local governance during such events shows that many of them are under nationalists’ ideological influence at the very least. For example, during the “March on Devecser” in August 2012, mayor of this city, member of the ruling

Fidesz party Tamas Toldi, stated that he was unable to stop the nationalist anti-Roma action, which was declared as a “peace march.”

Mayor pointed out that he is very unhappy with what happened, but “it would be unwise to interfere, because the police was unable to assert its authority.” According to him, the 200 local police officers who were on duty at that time were neither trained nor equipped to deal with neo-Nazis.⁶⁷

Thus, it is can be argued that nationalists have influence over the local government.

- Neo-Nazi and radical nationalist influence over the central legislative and executive bodies.

The obvious success of the radical nationalist party “For a Better Hungary” at the parliamentary elections (16% votes and 12% seats in the parliament), as well as the public opinion polls, indicate that radical nationalists have influence over both legislative and executive bodies

Presently, Fidesz has a 2/3 majority in the parliament, which allows this party not to look twice at its political rivals. Jobbik is unable to influence the government in a democratic way in parliament.

However, according to experts, the ruling “Hungarian Civil Alliance” (Fidesz) is playing a double game, often tacitly supporting Jobbik in its radical initiatives. On the one hand, Fidesz publicly disapproves the activities of “For a Better Hungary” party, which openly promotes anti-Semitic and racist ideas directed against Roma. Furthermore, Fidesz positions itself as a guarantor of public order and defender of Roma rights. On the other hand, the events of 2012 indicate that the policy pursued by the party is not working, and anti-Semitic slogans keep appearing throughout the country. This indicates that radical nationalists have influence over the Hungarian society.⁶⁸

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities)	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities	-5
×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations	-5

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies	-5
×	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies	-5
	Total for section 8	-25

9. Extremist and radical nationalist public actions

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

Neo-Nazi regularly hold events to honour Waffen SS veterans in Budapest and Dag, for which they do not get official permission of the authorities, as was stated by the Minister of Foreign Affairs of Hungary in December 2012.

Furthermore, nationalists also participated in sanctioned activities, where they dressed in the prohibited “Hungarian Guard” uniform.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

A number of such actions was held in 2012. The main ones are listed below:

In March 2012 in Devecser, east Hungary, an anti-Roma march was participated by around 1,000 nationalists — mainly Jobbik party activists. The action was organised by a local branch of Jobbik party, led by a member of the local council Gabor Ferenczi, who encouraged Hungarians to create paramilitary units to fight the Roma. “You will die here!” — demonstrators shouted at Roma. Police behaved passively, allowing attacks against Roma and their property.

The march was preceded by a domestic incident in Devecser, when one of the Roma killed Hungarian family’s dog. After that, there was a fight involving knives and baseball bats and the conflict escalated from domestic to ethnic. Several days after the incident, kuruc.info website, known for offering rewards for the information about antifascist Jews, distributed a call for “true Hungarians” to come to the aid of their “blood brothers.”

According to The Economist magazine, the majority of Hungarian locals support their Roma neighbours, who amount to 30% of Devecser's population, but no one of any note is prepared to speak up.⁶⁹

On August 25, 2012, Jobbik party gathered a rally at Hősök tere (Heroes' Square) in downtown Budapest, dedicated to the fifth anniversary of its paramilitary force "Hungarian Guard," which was later banned by the authorities. The rally was participated by around 1,000 people, including leader of the party, Gabor Vona. In response to a statement by Prime Minister Viktor Orban on government's zero tolerance policy towards racism, Gabor Vona encouraged his supporters to "zero tolerance towards gypsy crime."⁷⁰ In the course of the event, nationalists clashed with antifascists, who were holding a protest rally nearby. Police detained four antifascists, three of whom were women.

Another anti-Roma rally was held on October 17, 2012, in Miskolc. This march became a prime example of how economic difficulties are exploited by nationalists from the Jobbik party to achieve their political goals.

Officially, the Miskolc action was dedicated against the government spending cuts on public safety. According to Jobbik party, which organised the march, this will result in an increased Roma crime.

Miskolc was selected not because that is where a crime has been committed, but because there was an increase in Roma population, due to arrivals from other cities in search of employment and social assistance. Nationalists exploited this fact by starting a campaign for preserving jobs exclusively for ethnic Hungarians, which had its effect — the tension between the Roma and Hungarians had escalated.

There, Jobbik party leader Gabor Vona made his infamous speech, where he called to consider measures to forcibly reduce the Roma birth rate. Speaking afterwards, MED from the same party Zsolt Egyed stated, "We must act now, to save our future and the future of Hungary, to free ourselves from the Roma domination."⁷¹ Roma responded with a protest rally.

On October 23, 2012, another anti-Roma procession organised by Jobbik was held in Kerecsend. Like previously, there were more allegations about Roma being the cause for the deteriorating crime situation in the country, and that most criminal acts are committed with their involvement.

On December 2012, Hungarian nationalists took to the streets of Budapest to protest against the "Jewish domination," by which they meant "economic dictatorship" and attempts to ban Jobbik.⁷² Not long before this, the Hungarian Democratic Party presented an initiative to outlaw the party "For a Better Hungary."

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

Anti-Roma marches in Devecser and Miskolc, the anti-Roma rally in Budapest on August 25, 2012, as well as a number of other large-scale actions, were participated by the leaders and deputies of the parliamentary party “For a Better Hungary” (Jobbik).

- Presence of “football xenophobia” and racism amongst sports fans.

Racist and anti-Semitic sentiments predominate in the field of Hungarian sports, while fascist symbols have already become commonplace.

For example, fans of the “Ferencvarosi” Football Club often use anti-Semitic slogans against their rivals. Representatives of the Football Association state that these are just “chants” that have nothing to do with anti-Semitic slogans.

However, this argument was completely invalidated on August 15, 2012, during a friendly match between Hungary and Israel, when Ferencvárosi fans attacked the Israeli fans after the game.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities	-5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities	-5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies	-5
×	Presence of “football xenophobia” and racism amongst sports fans	-5
	Total for section 9	-20

10. Racist attacks, violence and terror

Indicators

- Vandalism in cemeteries, attacks on religious buildings.

In 2012, Hungary had a wave of vandalism against various cemeteries and monuments, primarily Jewish.

A Jewish memorial located in the 13th District of Budapest was desecrated in May 2012. Unidentified persons vandalised the memorial to Holocaust victims on the banks of River Danube, near the place of Jewish executions during Second World War. Monument was covered in anti-Semitic graffiti.

A monument to Raoul Wallenberg was vandalised several days earlier. Wallenberg was a Swedish diplomat during the Second World War who saved tens of thousands of Jews during Holocaust in Hungary. Vandals hung bloody pork legs on his statute. Budapest authorities promised to “take immediate action” on the incident, however nothing was done.

To commemorate a century since Wallenberg’s birth, Hungary celebrated the Raoul Wallenberg Year in 2012. Being a diplomat of a neutral country in Budapest, after its Nazi occupation in 1944, Wallenberg issued Swedish travel documents — known as “Wallenberg Passports” — to at least 20,000 Jews, and created more than 30 Jewish shelters. He disappeared during their escort from Hungary to the Soviet Union in January 1945.⁷³

In June-July, Jewish cemeteries in Székesfehérvár and Kaposvar were desecrated, while Nazi slogans were painted on a synagogue in Nagykanizsa. In Békéscsaba, doors of a local synagogue were painted yellow.

On September 29, vandals desecrated a bronze bust of Mustafa Kemal Atatürk, leader of the Turkish nation in 1920–30s, in Budapest. The incident occurred amid a sharp deterioration of Armenian-Hungarian relations, after Hungary extradited Ramil Safarov to Azerbaijan. Safarov murdered his Armenian classmate of NATO courses in 2004. It is known that the opening of Atatürk’s bust was preceded by strong protests from the Armenian community and district authorities.

On November 20, it was reported that a Holocaust memorial in Nyiregyhaza was desecrated.⁷⁴

- Inter-ethnic clashes instigated by xenophobia and radical nationalism.

Anti-Roma march in Devecser was preceded by clashes between the Roma and Hungarian inhabitants. Attacks against the Roma also happened during the anti-Roma marches in this city, as well as in Miskolc

- Cases of violence, including murder on racial, ethnic and religious grounds.

Besides attacks on Roma during the “marches” in Devecser and Miskolc, there have been other violent actions. In August 2012, around 1,000 right-wing extremists started hurling stones at Roma in Devecser, and around 400 people organised a similar action in Cegled. Three

deputies from “For a Better Hungary” party were noticed in Devecser. In this connection, it is possible that they were the organisers of this action.

- Terrorist attacks on the basis of radical nationalism and religious fanaticism.

Such cases were not recorded by the monitoring in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Vandalism in cemeteries, attacks on religious buildings	-5
×	Inter-ethnic clashes instigated by xenophobia and radical nationalism	-5
×	Cases of violence, including murder on racial, ethnic and religious grounds	-5
-	Cases of hate crimes	0
-	Terrorist attacks on the basis of radical nationalism and religious fanaticism	0
	Total for section 10	-15

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

One of the oldest Hungarian antifascist NGOs is the Hungarian Association of Resistance Fighters and Antifascists (HARFA)* — founded on May 15th 1945, a week after the surrender of Nazi Germany.

HARFA's objective is combating racism, anti-Semitism and any forms of hate, as well as opposing the falsification of history and glorification of Nazism.

Other antifascist organisations include the Civic Movement against Fascism, the Antifascist League, the New Socialist Movement and the Left Feminist Network, who successfully coordinate their activities with each other.

* Member of several international organisations, including the Federation of International Resistance and the International Human Rights Movement “World Without Nazism” — *editor's note*.

Antifascist position is also occupied by the anti-globalists of the Hungarian Social Forum, which mainly stands on anarchistic positions. Antifascist positions are also supported by the Hungarian Solidarity Movement, founded in October 2011 and joined the new left-wing political electoral alliance “Together 2014” in March 2012. The Party of Free Democrats, the Democratic Party, the Workers’ Party of Hungary 2006, the Green Party and many others, also stand on antifascist positions.

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

Hungarian antifascist organisations are quite active, but it cannot be said that they are particularly influential. In 2012, the largest anti-Nazi event was a demonstration in Budapest on December 2, which gathered more than 10,000 people. They demanded the resignation of a Hungarian MP and Deputy Chairman of a nationalist party “For a Better Hungary” (Jobbik) Marton Gyongyosi, who proposed to compile a list of Jews in the government that “pose a threat to national security.” He also stated that the Hungarian Jewish population itself can pose a threat to national security.

This event displayed the unity of Hungarian antifascist democratic forces for the first time in a long time. Human rights organisations and leaders of numerous parties gathered together at a rally held at the Parliament. During the protest, organisers showed scenes from a film about the Second World War, when around six hundred thousand Jews and thirty thousand Roma were murdered by Hungarian nationalists. Many demonstrators carried placards with slogans against the radical right-wing party, Jobbik.⁷⁵ The Budapest protest rally was attended by government Ministers and politicians from the opposition, as well as Ambassadors of the USA and Israel.⁷⁶

During the rally, demonstrators burned the flag of the European Union protesting against “the silence of European bureaucrats regarding the revival of neo-Nazism in Hungary.” As for the member of Jobbik party who caused this event in the first place, he eventually apologised for his statements about Jews, but refused to resign. He claimed that he did not mean the entire Jewish people, but “just the citizens of Israel.”

Several other actions can also be noted:

On February 13 of 2012 — the day of Budapest Liberation from fascism — HARFA organised a traditional rally near the Holocaust memorial at the banks of River Danube in the 13th District of the capital.

On March 21 — the International Day against Racism — HARFA also held a solemn award ceremony of Miklos Radnoti prizes, who was an antifascist executed during the war.

In summer, Hungarian antifascists participated in a traditional antifascist festival “Together for peaceful life in Europe” in Serbia⁷⁷

On August 25, 2012, neo-Nazis participating in a rally organised by Jobbik party, dedicated to the fifth anniversary of the banned “Hungarian Guard,” clashed with antifascists holding a protest rally nearby. Police detained four antifascists.⁷⁸

Roma and Jewish communities are also starting to act in an antifascist direction. The latter actively participated the protests in Budapest on December 2, while Roma held several protests against the neo-Nazi oppression in various cities. One of them, the “peace march,” was held in the eastern part of Miskolc on October 17, 2012, several hours before Jobbik’s neo-Nazi action, and was aimed against this party.

- Presence of anti-racist and anti-fascist civic initiatives.

Such initiatives were not recorded by the monitoring in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-racist and anti-Nazi movements and parties	5
×	Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations)	5
–	Presence of anti-racist and anti-fascist civic initiatives	0
	Total for section 11	10

12. Glorification of German National Socialism and the collaborators of Nazi Germany

Indicators

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

Hungary glorifies Admiral Horthy — Hitler’s ally, dictator, responsible for the Holocaust and murders of civilians in Serbia and other countries. Media and communication services constantly publish materials about the regent dictator of 1920–1940s Miklos Horthy — Hitler’s ally, responsible for the Holocaust in Hungary.

These materials, if not glorifying Admiral Horthy, then representing him as a politician who was forced to “follow other’s orders.” Meanwhile,

Hungary's role in the Second World War and its responsibility for war crimes are usually glossed over. The Hungarian nation, in this media, is presented as a victim forced to pay debts for the crimes of Nazi Germany.

Different media outlets behave differently on this issue. For example, in 2012, media orientated on the ruling party Fidesz published materials encouraging to "study the historical heritage" and the Hungarian past, "conduct appropriate historical research to define Horthy's role in history." This exact idea was contained in Foreign Minister Janos Martonyi's response to the leaders of three American organisations, who addressed Viktor Orban, protesting the opening of memorials to Horthy in several Hungarian cities.

However, Martonyi assured them that "until the relevant historical research is conducted," Hungarian government does not intend to rehabilitate Horthy.⁷⁹

At the same time, media outlets affiliated with the Jobbik party do not hesitate to not only glorify Horthy and his regime, but also create a cult of his personality. Jobbik's press regularly publishes articles praising Horthy for his successful struggle against Bela Kun's bolshevism, as well as for his protest against the Trianon Peace Treaty (1920) and its humiliating conditions.

As a result, Horthy is gradually becoming a very popular historical figure in Hungary. After Latvia and Estonia, Hungary is another European country — member of the EU and NATO — that holds events in honour of Waffen SS soldiers.

Glorification of Hungarian Waffen SS is a separate topic in modern history of this country. During the Second World War, there were four Nazi divisions of Waffen SS and one (17th) SS Army Corps (Hungarian), which, however, has not been fully formed.

Hungarian National Front, cooperating with activists of the banned "Hungarian Guard," annually hold commemorative events on February 11th in Budapest, dedicated to the fallen Nazi soldiers and the Hungarian Waffen SS, who were killed during Red Army's capture of the Buda Castle.

On June 2, a similar annual event is held in Festetics Castle Park, near the town of Deg, where the fallen Nazi soldiers were buried in 1945. The event gathers not just Hungarian Waffen SS veterans, but also veterans from Germany and Austria.⁸⁰ Traditionally, this gathering is participated by the youth from the above-mentioned neo-Nazi organisations. In 1991, a monument to the fallen has been erected at that site.

These events all took place in 2012. Hungarian authorities strongly distance themselves from participation in these actions. Furthermore, in December 2012, Minister of Foreign Affairs Janos Martonyi was forced to make excuses, telling journalists that government did not allow these events. So far, this has not escalated to mass processions participated by several thousand people, as it happens in Latvia, for ex-

ample. However, it must be remembered that there, everything also started with small-scale demonstrations.

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

In 2012, several cases of glorification of Miklos Horthy was noted in the decisions of local government institutions. In a number of cases, the initiative on perpetuating Admiral's memory was made by the activists of the ruling party "Fidesz."

In June 2012, a monument to the dictator was installed in Csokako, initiated by the head of the local branch of Fidesz

Furthermore, a monument to Horthy was erected in Budapest in 2012, at the initiative of the ruling party. Admiral's monument was installed in the form of an equestrian statue. Meanwhile, Gyomro city park received his name, and his monument was erected in the town of Kereki (few hours after opening, it was doused in red paint), and a memorial plaque in his honour was placed on one of the buildings in Debrecen.

On April 4 — the day of Hungary's liberation from fascism, member of the Hungarian Parliament from Jobbik party, overseeing the party media policy, Eljod Novak, demanded to remove the monument to liberators on the Freedom Square in Budapest, which he called the monument to "occupants" and "abusers." Novak urged the mayor of Budapest István Tarlosh to do this unilaterally, since the Russian side is unwilling to negotiate about the monument.

On the same day, a similar appeal about removing a memorial from the central square was made by the Youth Christian Democratic Union (IKSZ) — a youth organisation of a junior partner in the government coalition — the KDNP.

- Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities.

The official position of the central authorities, as mentioned above, is to conduct historical research into Horthy's role in Hungarian history, and then, weighing all positive and negative aspects of his life, make a decision regarding his glorification at the state level.

So far, however, the government denies the existence of a state policy of his rehabilitation, whiling turning its blind eye to such cases in the regions.

- Historical revisionism, Holocaust denial.

Revision of history is one of the main policies of not only the Jobbik party, but also the government of the country. Ideological contents of

history education in school is changing, where the thesis of two occupations — Nazi and Soviet — is being taught with an increasing frequency, and the works of cultural figures, known nationalists, racists and anti-Semites are being promoted.

Examples include the music professor Tibor Erkele — Holocaust denier and an honorary citizen of Budapest, Ujpest district; Alber Wass — anti-Semitic poet, who received a posthumous award; Jozsef Nijros, whose works were included in the school curriculum. He was exhumed in Spain to be reburied in his homeland, Budapest.⁸¹

Cases of Holocaust denial among the members of parliamentary parties, as well as their media outlets, were not recorded in 2012. However, the idea that Nazis “forced” Hungarians to kill Jews is insistently hammered in the heads of inhabitants.

Given that in 2012, Hungary adopted the amendments to the Criminal Code that provide responsibility for Holocaust denial, even the activists of neo-Nazi organisations such as the Hungarian National Front, behave cautiously. As stated by an unnamed leader of this organisation, “due to the recently ratified law, we are forbidden to think about it. In practice, this law does not affect our operations, and we do not intend to cry about the “success” of our enemies.”⁸²

Based on the above, it can be concluded that there are attempts to revise the history of World War II in Hungary, however there were no cases of Holocaust denial during the observed period.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition	-5
×	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers	-5
-	Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities	0
-/×	Historical revisionism, Holocaust denial	-2.5
	Total for section 12	-12.5

13. Persecution of veterans and partisans of the anti-Hitler coalition and anti-fascists

Indicators

- Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.

Such cases were not recorded by the monitoring during the observed period.

- Restrictions imposed by the authorities on human rights and antifascist organisations. Bans to entry or exit imposed on antifascists. Authorities' inaction.

Such cases were not recorded by the monitoring during the observed period.

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

Such cases were not recorded by the monitoring during the observed period.

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists	0
–	Restrictions on human rights and anti-fascist organisations imposed by the authorities, bans to entry or exit imposed on anti-fascists by the authorities, inaction of the authorities	0
–	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists	0
	Total for section 13	0

14. International aspect

Indicators

- Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities.

Hungary acceded to all important agreements on combating racism and discrimination, except the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

- Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period.

Hungary did not join any such agreements in 2012.

- International statements and initiatives against discrimination, neo-Nazism and xenophobia made by the monitored countries and their leading politicians.

A good example of an international initiative was the Hungarian government's decision in 2012 to provide social assistance to the Jewish victims of the Hungarian Holocaust living abroad.

Ironically, there was also an initiative of the party "For a Better Hungary," which criticised the Ukrainian radical nationalist party "Svoboda" for... persecution of ethnic Hungarians in Transcarpathia. Bailey Kovacs, Member of the European Parliament from Jobbik party, addressed an open letter to the leader of the Ukrainian Svoboda party Oleg Tyagnibok, which was published on March 29, 2012.

"With deep outrage, I found out that your party organises marches and violent actions against the Hungarian community in Uzhgorod and Beregovo."

According to Kovacs, Svoboda supporters marched through Beregovo late at night, shouting rude anti-Hungarian slogans — "Hungarians are pigs," "Hungarians, get out from Transcarpathia," "Death to Magyars." However, exactly the same slogans are used by Svoboda members in their anti-Roma actions. Understating this contradiction, the neo-Nazi MEP explained his position:

"It is unacceptable that members of the Svoboda party feel such deep hatred towards the Transcarpathian Hungarian community. They seek to banish this community, which does not consist of rootless immigrants, but of the population of Transcarpathian cities and villages, which were founded by their ancestors a thousand years ago. They try to present this national minority as an enemy of Ukraine. However, members of this minority do live on social benefits and subsidies, but are *engage in farming*," he stressed.

As a result, radicals from the party "For a Better Hungary" broke off all ties with similar radicals from the Svoboda party, while the Alliance of European National Movements, where Jobbik plays a leading role, refused to accept Svoboda in its ranks.⁸³

In October 2012, Hungarian Prime Minister Viktor Orban expressed his concern with the growth of nationalism in Romanian politics. He stated this at the conference of Hungarian Resistance in Budapest, dedicated to loyal to the state politicians from the neighbouring countries. Prime Minister expressed his concern with the fact that Bucharest politicians are increasingly taking steps to infringe the Hungarian minority that inhabits Transylvania.

“Our government has every reason to be concerned about the political changes in Romania, given that in recent years there were no such political statements,” Viktor Orban said, adding that the government will assist “those Romanian patriots who cooperate with the Hungarian minority.”⁸⁴

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities	5
–	Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period	0
×	International declarations and initiatives of the monitored countries and the leading politicians against discrimination, neo-Nazism and xenophobia	5
	Total for section 14	10

CONCLUSION

Consequences for the development of the country and society, based on the analysis of factors and the following aspects:

1. Human Rights

- *Guarantees against any form of discrimination towards minorities.*

Formally, the Hungarian law guarantees minority rights. Hungarian Constitution, the Criminal Code, and the Law on Equal Treatment

and Equal Opportunities are the components of the anti-discrimination legislation, which contain the basic rules aimed at protection of minority rights. Therefore, the Hungarian anti-discrimination and anti-racist legislation complies with European standards.

In practice, however, Hungarian authorities are passive towards the discrimination of Roma. In 2012, police exhibited an impermissible tolerance towards the members of neo-Nazi and radical nationalist groups, who slighted Roma on the streets of Hungarian cities, held anti-Roma marches accompanied by insults and vandalising Roma property. The segregation of Roma in Hungarian education system, which has only worsened under Fidesz's government, also contradicts both Hungarian legislation and European standards.

Furthermore, the glorification of Miklos Horthy and his regime, conducted at the local level and the Jobbik party with a silent consent of the centre and the ruling party, causes outrage of the Jewish minority, who survived the Holocaust during World War Two.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.)*

Hungary acceded to the main international agreements aimed at protecting minority rights and generally follows their provisions. However, in practice, discrimination of minorities, especially Roma, in the field of employment and education, contradicts the country's international commitments.

- *Differences between the rights and freedoms of the titular nation and ethnic minorities.*

Such differentiation does not exist on the legislative level, but it does take place in the law enforcement practices. This primarily concerns the Roma minority, who are subjected to discrimination in employment and education and the aggressive actions of nationalist groups such as the parliamentary party Jobbik.

- *Legislation enshrining inequality of minorities.*

Hungary lacks legislation providing responsibility for racist and neo-Nazi activities. The law "On freedom of conscience and belief, church, religion and religious organisations" was blatantly discriminatory. Despite the fact that this law has been repealed by the Constitutional Court in 2013, the government has already threatened to challenge this decision by changing the legislation with constitutional

amendments, which is quite possible given that the ruling party has a constitutional majority in the parliament.

- *Rulemaking in protection of minorities.*

In 2012, the Criminal Code was amended with provisions that classified any real or even alleged threats against members of racial, ethnic or other minorities as illegal offensive behaviour. Actions aimed at intimidating these groups were outlawed, which eliminated the so-called “civil patrols” from the Roma neighbourhoods in Hungary. In addition, responsibility for Holocaust denial has been introduced.

- *Freedom of speech violations.*

Mass Media Law poses a clear violation of the freedom of speech, as it provides for the establishment of a state supervisory body with the authority to impose fines on media outlets for violating the “political balance.” The law is criticised as an instrument to pursue free press. For example, a popular oppositional Club Radio has already been shut down. Hungarian journalists have already been protesting this fact in January 2012, however the government has not listened to them.

- *Legislation and law enforcement practices concerning immigrants.*

Hungarian immigration legislation complies with the European norms; however, it its own specifics. After the adoption of the new Citizenship Law in 2010, the government immigration policy was aimed at attracting the ethnic Hungarians living abroad, at the expense of non-Hungarian immigrants. The procedure for obtaining Hungarian citizenship was simplified for the ethnic Hungarians, which resulted in Hungary becoming an ethnocentric state, gathering its people like Israel or Germany.

Hungary has a well-developed system social support for immigrants, but the country’s economic problems and a high level of xenophobia prevented a significant growth in labour immigration in 2012. As for illegal immigration, the authorities are so far successfully combating this problem.

2. State of the society

- *Risk of violation or non-compliance with the acting laws aimed at protecting the rights of minorities; risk of discriminatory practices against minorities.*

Discriminatory practices against the Roma and frequent cases of anti-Semitism, encouraged by the radical right-wing politicians and neo-Nazi groups, gradually lead to the fact that several hundreds of

thousands Hungarian citizens begin to feel alienated from the society. In fact, this policy is aimed at “squeezing out” the Roma and Jewish minority from the country. This undermines the stability of the society and creates preconditions for escalated conflicts between the majority and the minority, as well as emigration from the country.

- *Identity — how manifestations of xenophobia and extremism affect the identity of minorities, as well as majority’s identification of minorities (growth of social phobias).*

The two most discriminated groups in Hungary are the Roma and Jewish minorities. These two ethnic groups are the targets of radical nationalists’ attacks.

Hungarian society has been opposed to the Roma even before the democratic changes of 1990s. Roma were the most socially vulnerable group and were accused of reluctance to adapt to the Hungarian community. During the regime change, unemployment and elimination of social assistance affected the Roma most of all. Many of them ended up on the streets without means of subsistence, which reflected on the growth of crime in their midst. This has resulted in an increase of anti-Roma sentiments in the post-communist period.

The situation only worsened with the 2010 elections, when an openly neo-Nazi party Jobbik passed into Parliament, not even hiding its anti-Roma sentiments. Through this party’s efforts, the Roma became even more associated with antisocial elements and potential criminals in the eyes of society.

Attitude towards Jews, who are traditionally associated with the communist era or with attempts to control the Hungarian economy, leaves much to be desired as well. Disloyal attitude towards Hungarian Jews is strongly felt in the political circles. This was reflected in a demand to check Jews for their loyalty, made by one of the “For a Better Hungary” party leaders, Marton Gyongyosi. All this forms an impression of Jews as enemies of Hungary.

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socio-economic development of the country)

- *Standard of living.*

Like many Eastern European countries, Hungary is experiencing economic problems in recent years. As a result, more than half a million people emigrated abroad in search of a better life. However, these problems are unrelated to xenophobia. So far, there is no large-scale emigration of the vulnerable groups (Roma and Jews) from Hungary.

- *Economic turmoil and instability.*

Hungarian economic problems and economic instability were unrelated to xenophobia and intolerance in the country.

- *Decline in production growth, emigration of the labour force.*

Hungary's already difficult economic situation was aggravated by the 2008 financial crisis. The overall production decline during 2008–2012 caused many employable residents to leave the country. However, this was not related to xenophobia in the country.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

The split of Hungarian society, exacerbated by radical right-wing parties, has already led to a breach of inter-ethnic peace in Hungary. Protests of the Roma and Jewish communities clearly indicate that relationship between the titular majority and ethnic minorities are far from ideal. This undermines the political stability in the country and creates conditions for the aggravation of conflicts in the society.

- *Impact of xenophobia and extremism in the country on the issues of external security, on relations with third countries and the international security in the region as a whole.*

Policy of discrimination towards ethnic minorities, glorification of Nazism, and others, negatively affect the international image of Hungary, and complicate the relations with international Jewish organisations. Prime Minister Viktor Orban's initiatives aimed at supporting Holocaust victims are undoubtedly important, but government's inaction towards glorification of Nazism in the country, condoning xenophobia, racism and anti-Semitism, can only play a negative role in Hungary's relations with the EU and the international arena as a whole.

RECOMMENDATIONS

1. *General recommendations on the accession to international agreements and conventions.*

Hungary should support the UN General Assembly Resolution A/RES/67/154 "Glorification of Nazism: the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance," as it will have a positive impact on the international image of the country. Fur-

thermore, the 2012 amendments to the Criminal Code, which criminalise Holocaust denial, are consistent with the letter and spirit of this resolution.

2. *General recommendations adjustments to the legal framework.*

Hungary is recommended to adopt further amendments to the Criminal Code, which would classify racist motives as aggravating circumstances in the commission of any crime. In addition, the country needs a law providing responsibility for neo-Nazi activities, as well as a law aimed against the denial of war crimes. This would allow to effectively combat neo-Nazi organisations seeking to glorify Waffen SS and Horthy's fascist regime.

3. *General recommendations for the executive bodies on law enforcement and human rights.*

Hungary needs to substantially adjust its law enforcement practice towards manifestations of xenophobia and radical nationalism. First, the country needs to have full and publicly available statistics on hate crime. It is necessary to abandon the practice of classifying such crime as domestic. Based on the experience of other countries, this only drives the problem deeper. Public statistics would allow to combat hate crime and general intolerance more effectively.

It is necessary to intensify the preventative community outreach to counter ethnic tensions and prevent hate crime. It is also important to develop a system of law enforcement training, aimed at immediate identification and response to hate crime.

Development of a system to counter indirect discrimination of national minorities in education and employment is also necessary to end the Roma segregation in secondary education and employment in Hungary. It is also useful to study the experience of other countries to improve representation of minorities in government bodies.

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- ⁶⁹ <http://www.economist.com/blogs/easternapproaches/2012/08/hungarian-anti-roma-marches>
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⁷⁴ International Human Rights Movement “World without Nazism” — “Monitoring of radical nationalism and xenophobia,” November 2012, page 42 — <http://worldwithoutnazism.org/about/General%20%20Monitoring%20November%202012.pdf>

⁷⁵ <http://avtonom.org/news/vengriya-tysyachi-zhiteteley-budapeshta-trebovali-otstavki-deputata-neonacista-fotovideo>

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⁷⁸ <http://www.hungary-ru.com/?mode=news&id=4519>

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SUMMARY OF INDICATORS FOR 2012

No.	INDICATORS	SCORE
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-10
2	Xenophobia and inflammatory statements by members of the authorities and media	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	15
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
5	Activities aimed at promoting tolerance and preventing extremism	5
6	Status of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	0
7	Incitement of religious and ethnic hatred	-10
8	Radical nationalist groups and parties	-20
9	Extremist and radical nationalist public actions	-20
10	Racist attacks, violence and terror	-15
11	Presence, popularity and size of anti-fascist and anti-racist movements	10
12	Glorification of German National Socialism and collaborators of Nazi Germany	-12.5
13	Persecution of veterans and partisans of the anti-Hitler coalition	0
14	International aspects	10
	Total	-47.5

ITALY

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

Indicators

- Discriminatory legislation affecting minorities residing in Italy in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

Italy has no discriminatory legislation regarding minorities. However, amendments to the Penal Code, which were made in 2006 and known as Law 85/2006 and which shortened the prison sentence for hate crimes from three to one-and-a-half years and set the maximum penalty fee limit at 6,000 Euros for racial discrimination and invocations, pose a distinct threat.

Moreover, criminal liability for racist actions comes into force in compliance with the new amendments only when these ideas were spread with the goal of affecting a wide audience and “altering its behaviour.”¹

The given amendments have practically taken some weight from the status of neo-Nazis and ultra-rightist politicians, who make political fortunes on anti-immigrant and xenophobic declamation. In the published report of February 2012 of the European Commission against Racism and Intolerance in Italy it was noted that the overall situation in the country is characterized by an increase in the usage of racist and xenophobic statements made by politicians towards more vulnerable groups of the population (Africans, Muslims, Roma, refugees and migrants). Such statements provoke the use of violence against the said groups, lead to discriminatory measures and assist in incitement of xenophobia and racism among the population.²

The famous “anti-immigrant” law “Bossi—Fini” (2002), named after parliamentary deputies who initiated it, also raises some ques-

tions. The law foresees stricter terms of entering Italy, harsher penalties for illegal immigrants up to a prison sentence and their mandatory deportation, even if this decision is appealed to in court. This law has become the cause of Italy's recurrent violations of the EU directives, which regard persons, who are seeking asylum and refugees. Only in 2012 certain amendments to the immigration legislations were made, which brought it closer to European standards.³

- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

Italy is one of the few countries, which signed and ratified the Convention about integration of foreigners into social life on the local level. Nevertheless, "C" of the said Convention (the right of foreigners, constantly living in the country, to take part in elections on the local level) contradicts the Republic's Constitution, which guarantees voting rights only to its citizens.

The European Commission has on many occasions addressed Italy asking to adopt chapter "C" of the mentioned global Convention to the national legislation, but for the time being progress in this matter has only been reached on the regional level, where local legislative institutions of separate provinces with blessing from the Constitutional court of the country adopted laws, which legalize such practices. Nevertheless, in 2012 this question was picked up for debate in the Italian parliament.

- Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.

Such legislation was not present during monitoring.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health-care, worship, etc.

In Italy, based on national background, the most discriminated are the Roma. Above all things the foremost issue is entrenching on a right for housing. Roma camps kept closing down, whereby their inhabitants were not offered the mandatory legal guarantees and the set closing procedures were not followed through. Furthermore, on the 25th of July and on the 28th of September 2012 around 200 inhabitants of the camp "Tor de' Cenci" near Rome were transported to a new camp in further district of La Barbuta, in the vicinity of an airport. Roma evictions have often had a negative influence of the rights of their children to attend schools, because schools which they were enrolled to were very far from their new place of residence. A similar eviction was planned by

the Milanese administration.⁴ Nothing was done to improve unsatisfactory living conditions in most of the official camps. Local authorities still did not allow the Roma to use social housing programs. In May the mayor of Pescara stated that the order of providing social housing to the Roma should be revised.

Although in November 2011 the State council lifted the emergency state regarding Roma encampments in five regions of Italy where such situations have arisen, the Roma still did not receive any compensation. Moreover, in February 2012 the government has filed an appeal to this decision to the high court and in May 2012 the State council allowed to finish an array of procedures, which were started during the emergency state, before the high court has not come up with a final decision. As a result Italian judges proposed to exonerate the forced eviction of the Roma by considering the emergency state unchanged. Additionally, Roma enumeration materials, which were carried out in a forced manner with mandatory fingerprinting in 2008–2011,⁵ have not been destroyed.

The National strategy regarding integration of the Roma, which was published in February, has not been realized for the most part. The UN Committee on the Elimination of Racial Discrimination (UNCERD) and the Council of Europe Commissioner on human rights, in March and September respectively, have unleashed renewed criticism addressed to Italian government for violating the rights of the Roma.⁶

Discrimination in Italy is also suffered by religious communes, which have not concluded a concordat with the government. Among them are the followers of Islam. In such a way, in comparison to “registered confessions,” the possibility to pray and provision of day-offs during their religious holidays depends solely on the decision of the employers.

Discrimination is also suffered by members of the LGBT. According to research, the results of which were published in November 2012, 73% of the represented minorities in Italy were victims to some sort of discrimination at school, at work, coming from their relatives and in their daily lives. In the majority of cases the discrimination environment is noted in the district of residence (65%), school (59%) and among friends (58%). 30% named Internet as the source of discrimination.⁷

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Discriminatory legislation affecting minorities residing in Italy in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	0

PRESENCE OF CRITERIA	INDICATORS	SCORE
-/×	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin	-2.5
-	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication	0
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5
	Total for section 1	-7.5

2. Xenophobia and inflammatory statements of the authorities and in the media

In April 2012 the provincial leader of “Northern League,” a national-conservative party, which fights for the separation of Northern provinces from Italy, in the region of Friuli-Venezia- Giulia Paulo Polidori stated during a party assembly: “The Chairman of The Council of Ministers Mario Monti and the government are the result of the Judeo-Masonic rule.”⁸

At the beginning of November Donatella Galli, a member of the district council of Monza and Brianza, member of the “Northern League,” posted on her Facebook page: “I am a Northern League bastard and am proud of it. I want Vesuvius’ and Etnas to destroy the south. I envision southerners as Hitler envisioned Jews, and they should all end up in crematoriums.”⁹

Beppe Grillo, who in 2010 formed the party “Five Star Movement,” in 2012 published anti-Semitic statements on his Facebook page, such as: “Hitler, of course, was a mad lunatic, however his idea of eradicating Jews led to the fall of their (Jewish) dictatorship.”¹⁰

In the published report of February 2012 of the European Commission against Racism and Intolerance (ECRI) in Italy it was noted that the overall situation in the country is characterized by an increase in the usage of racist and xenophobic statements made by politicians towards more vulnerable groups of the population (Africans, Muslims, Roma, refugees and migrants). Such statements provoke the use of vi-

olence against the said groups, lead to discriminatory measures and assist in incitement of xenophobia and racism among the population.

In March 2012, 163 names of Italian Jews were posted on the extremist website “Holy War of the Catholics.” Among them were lawyers, philosophers, historians, economists, famous writers and professors from 26 Italian universities. They were accused of a plot involving the Israeli secret services.¹¹ At the end of March 2012, the website “Holy war” published an article dedicated to the Italian minister of education, and called him a “Nazi Jew.” Authors of the website came forward with harsh disapproval of his gesture: on a photograph the Italian minister honours the victims of Toulouse in March 2012 with a moment of silence. In order to create a visual effect they pictured the number 666 on the minister’s forehead, which is a symbol of the Antichrist and Satan.

Other websites such as “Foreigners without a name,” “The Italo-Iraqi Association,” “More than the official truth” openly publish articles with anti-Semitic invocations. The right extremist website “National social front” openly agitates Palestinians for intifada, and also unites a whole pallet of anti-Semitic, anti-Zionistic, anti-American slogans with using such terms as “Talmudic Judaism,” “global plutocratic mafia,” and as a “symbol of their fight” they depicted the bleeding Star of David. Other websites publicly deny the Holocaust, reanimate old anti-Jewish stereotypes and call “for blood.”¹²

In June 2012, ultra-right publication “Stormfront” published an article dedicated to Mario Balotelli, the Italian football star. During the football World Cup in 2012 he visited a memorial to the victims of Holocaust. The authors of the article called him a “negro” and a “Jew.”¹³

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Xenophobia and inflammatory statements of the authorities and the media	-5
	Total for section 2	-5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist and anti-extremist legislation, and legislation directed against incitement of ethnic and religious hatred in the country.

The Italian Constitution serves as the basis for the country's anti-racist and anti-extremist legislation. P. 3 of the Constitution guarantees an equal public entitlement to all citizens and equality before the law regardless of gender, race, language, religion, and political views, personal and social status. Also, P. 6 of the Fundamental law states that the "Republic protects linguistic minorities."

The modern anti-racist and anti-extremist legislation started to form in Italy in the beginning of the 90' of the last century. In June 1993 the Senate of Italy passed a law aimed at combating racism (Legge Mancino, decreto-legge Nr. 205/1993). It foresees a prison sentence for up to 3 years for religious, ethnical and racial intolerance. Moreover, the law forbids any factions, which incite discrimination of foreigners and intellectual deviants. This law represents a revised version of the law against racial discrimination of 1975, which was never used.¹⁴

On the 24th of February 2006 Law No. 85 ("Legge Castelli") was passed, which defines the punishment for abusing the main human right — freedom of speech. On P. 3 of Law No. 654/1975 it is said, that cases of racial, ethnical, religious discrimination involve a 3-year ban on realizing any political activities.¹⁵ Additionally, the new Law changes the term "incitement" is changed to "persuade a person to any sort of action." An action is considered a crime if a person not only incites another person to racial hate, but also persuades to commit acts of violence. The Law also diminished the sentence from 3 years to 18 months. (it can be replaced by a fine for 6,000 Euros). Critics of the new Law accused the centre-right government of a biased attitude towards the legal status of the freedom of speech. However, a positive moment was noted as well: it was the first time when the legislation foresaw punishment not only for incitement of religious hate towards Catholics, but also towards members of all religions.¹⁶

In 2011 new principals for court proceedings regarding discrimination cases were introduced, according to which the burden of proof in cases of such matter would be transferred from the plaintiff to the defendant. The court could also force the defendant not only to pay the fine, but also apply measures, so that cases of discrimination would not be repeated.¹⁷

On the 17th of July 2012, the minister of international cooperation and legitimization Andrea Riccardi stated that the government of Italy will make norms against circulation of racist, xenophobic and anti-Semitic websites through the Internet more severe.¹⁸

In 2012, on the 69th anniversary of the deportation of Roman Jews to Nazi concentration camps the Senate presented amendments to article 3 of the Law dated 13th of October 1975 N. 654 about the criminal persecution for genocide, crimes against humanity and war

crimes. The reason for the offered amendments is the establishment of liability for denial of the above-mentioned crimes, including the Holocaust.¹⁹

- Presence and improvement of anti-discriminatory legislation.

Anti-discriminatory legislation is also based on the Constitution. As already mentioned in compliance with P. 3 of the Fundamental law, all citizens have equal public entitlement and equality before the law and P. 6 guarantees governmental protection to linguistic minorities.

The Constitution singles out the Catholic Church. P. 7 states, that “The government and the Catholic Church are independent and sovereign in their respective sphere.” In such a way the government equalizes the Catholic Church to itself. Here, article 8 guarantees *all* religious confessions equality before the law. According to this article, religious confessions, which are not Catholic, have the right to create their own organisations in compliance with their own statutes if they do not contradict Italian legal norms. P. 19–20 declare the right to freedom of confession and lack of restraints for religious organisations.²⁰

The defence of linguistic minorities is regulated by the law of 15th December 1999. According to it languages of those who densely live in Italy are taken under protection. They are: Albanian, German, Slovenian, Croatian, Greek, French, Franco-Provencal. The possible addition of a territory into the borders of districts where linguistic minorities reside is decided by the local authorities on request from at least 15% of voters. In case of addition schools, kindergartens and local authorities use the minority’s language along with Italian.

The Ministry of Education, as well as regional authorities can assign funds for development of the minority languages in places which they densely populate. Minority representatives also have the right to restore their names after “Italianisation.”²¹ Appropriate regional laws were passed in the Friuli-Venezia-Giulia region in 2007 concerning Friulian and Slovenian languages,²² on Sardinia — concerning Sardinian language in 1997.²³

In 1998 a special law was passed against discrimination on the basis of race, religion and background. The same decree included regulations on combating discrimination. In 2003, on the basis of complying EU directives*, two laws were passed about resisting discrimination on the basis of race and ethnical background, as well as religion and vies, sexual orientation, disability and age.²⁴

Starting from 2005 a range of Italian regions: Toscana, Umbria, Emilia-Romagna, Campania, Marche, Puglia, Lazio, Liguria, and

* Directive No. 2000/43/EC provides for racial and ethnical equality, and No. 2000/78/EC of 27.11.2000 sets equal terms in the spheres of labour and employment — *editor’s note*.

Abruzzo — accepted lawful same-sex civil unions. In 2011 the high court confirmed that same-sex couples have the right to a family life, including (in certain circumstances) the same treatment as heterosexual married couples. In this case, however, the court ruled that the Italian legal system does not accept same-sex marriages, contracted abroad.

- Compliance of the authorities (central regional, municipal), the law enforcement and judiciary, with anti-Nazi, anti-racist and anti-extremist legislation. Compliance with anti-discriminatory legislation and legislation directed against the incitement of ethnic and religious hatred.

Overall, such legislation is complied with by Italian authorities. Moreover, in 2004 the National Department for Combating racial Discrimination (Italian: *Ufficio nazionale antidiscriminazioni razziali* — UNAR) was created in Italy. Its competences include providing aid to victims of discrimination and catering for their claims, conducting independent research on discrimination issues, encouragement of certain actions aimed at liquidating or reimbursing losses of people of specific race or ethnical background, determination and suggestion of prospective legislation concerning racial or ethnical discrimination, consulting on questions concerning racial or ethnical discrimination and circulation of information regarding rules for equal rights, regardless of their racial or ethnical background.

UNAR presents annual reports to the government with suggestions regarding further steps in the battle with xenophobia and discrimination. In 2011 enforcement powers of the department were broadened because of the transfer of issues concerning sexual orientation and gender identity, age, disability, religion and beliefs.²⁵ Thus, in 2012 the central UNAR apparatus was reduced to 4 people from 18. Reduction of staff also happened at local representative offices, which made an impact on the effectiveness of its actions.²⁶

- Responses to hate crime (criminal proceedings against organisers and participants, convictions).

In its report on Italy for 2012 the European Commission against Racism and Intolerance made an accent on the unsatisfactory state of cases involving registration of hate crimes. The Commission determined that Italy lacks any kind of statistics which would allow making judgements about the number of crimes, their solving rate, compensations to victims of racism and xenophobia etc.²⁷ Italy also did not provide any statistical information regarding the number of trials, compensations to victims of racism and xenophobia etc.²⁸

Representatives of the UN Committee on racial discrimination also noted an alarmingly low, in comparison to the amount of registered cases of discrimination, number of trials and convictions of persons guilty of discrimination and hate crimes.

In the annual report on hate crimes in the OSCE region for 2011 Italy claimed that it does not provide public information on hate crimes.²⁹ Experience has proven that concealing statistical data of such a kind always has a negative effect on the crimes themselves, as well as their real solving process.

At the same time, Italian legislation punishes, albeit with reservations, the circulation of racist ideas aimed at changing the disposition of a wide audience. This includes hate propaganda on the Internet. For example in April 2013, four people from various Italian cities were convicted of racist idea propaganda on web pages of the Italian representatives of newspaper “Stormfront.” All four were arrested immediately after the shut-down of the website.³⁰

- Unlawful use of anti-extremist legislation.

On the night of the 9th of May 2012 in Salerno three police patrols apprehended four anti-fascists who were erasing pro-Nazi graffiti. The trial which took place a month later sentenced them to a fine.³¹

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-Nazi, anti-racist and anti-extremism legislation, legislation against incitement ethnic and religious hatred in the country	5
×	Presence of anti-discrimination legislation	5
×	Compliance of the authorities (central regional, municipal), the law enforcement and judiciary, with anti-Nazi, anti-racist and anti-extremist legislation. Compliance with anti-discriminatory legislation and legislation directed against the incitement of ethnic and religious hatred	5
-/×	Counter-actions against hate crimes (criminal cases against organisers and participants, convictions)	2.5
-	Unlawful use of anti-Nazi, anti-discrimination and anti-extremist legislation	-5
	Total for section 3	12.5

4. Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

Monitoring registered a few such statements in 2012. Here are some of them:

Parliament deputy Emmanuel Fiano at the beginning of January stated, addressing an anti-Semite professor from Torino: “I hope that the minister will intervene in the nearest time and that the above-mentioned persona will forever be banned from teaching, because it is obvious that there is an unbridgeable conflict between propaganda of racial hate and the possibility to teach children history and philosophy.”³² On the 10th of January Italian president Giorgio Napolitano visited the widow of a Chinese salesman, who was murdered on the 4th of January 2012 “as a token of friendship with the Chinese nation and the solidarity with the Chinese commune in Italy.”³³

On the 16th of August Esterino Montino, the head of the Democrat party in Lazio, showed protest against the opening of the Graziani mausoleum, who was a marshal during the reign of Mussolini. “How can one possibly accept or simply tolerate the fact, that in 2012 we dedicate a park and a museum overall to the fascist marshal Rodolfo Graziani?” — he stated.³⁴ The mayor of Rome Gianni Alemanno on the 24th of November urged the police to make every possible effort to arrest and punish by law those responsible for the organizing “an atrocious attack” on supporters of “Tottenham.”³⁵

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
	Total for section 4	5

5. Activities aimed at promoting tolerance and preventing extremism

On the 24th of February 2012 the National strategy on Roma integration in such spheres as education, employment, healthcare and housing was adapted. Apart from that, many municipal bodies are de-

veloping programs aimed at simplifying access of Roma children to school education, including the provision of school bus services.³⁶ The fact is that the presence of such a service allows to deal with the segregation issue in Roma schools, because a bus take the children to different schools, which children of various ethnical groups attend.

UNAR also set in motion the “Plan to encourage positive actions in the area of racial and ethnical background from NGO and other non-profit organisations.”

The house of deputies created an “observatory,” which main goal is to combat xenophobia and racism. Upon an initiative of deputy Fiamma Nirenstein an Interdepartmental committee on combating anti-Semitism was created. The working group within the committee presented a report which was dedicated to the problem of anti-Semitism and in particular highlighted the problem of online publications on the Internet and in social networks. The quantities of blocked pages continue to add up.³⁷

Some municipal governmental bodies are developing programs which are aimed at integrating Roma into Italian social life. The suggested course of actions includes: “simplified” terms of enrolling Roma children into schools, an unimpeded access to the job market, and medical treatment in Romanian language. A series of initiatives was realized in regions in order to simplify adaptation of migrants on the housing market and in the sphere of healthcare. Italian authorities are also pre-occupied with opening their affiliates on a global level in order to protect interests of the minorities.

In 2009 in the Marche region law 10/2009 was published under the name “Rules of acknowledgement of the right to play and of assistance in receiving a sports citizenship,” which acknowledged the social function of amateur sports and guaranteed free access to all without discrimination on the play-field.

In March 2012 an agreement was signed between UNAR and the Roman transport company regarding the fight against racism in public transport. According to it drivers of public transportation vehicles will go through a training session on detecting and preventing signs of ethnical and racial discrimination.³⁸

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Activities aimed at promoting tolerance and preventing extremism	5
	Total for section 5	5

6. Status of migrants and Immigrants' standing in the society, society's attitude towards immigrants, foreigners, various ethnic groups

Indicators

- Presence and improvement of immigration law.

The main document which regulates migration is the 1998 “Immigration Law.” According to p. 2 of the law a foreigner who is living in Italy has the same rights as an Italian citizen except for cases, where the contrary is ruled by the law or global agreement. Foreigners may take part in social life. According to s. 1 p. 3 of the law a migration strategy is introduced into the parliament once in three years. S. 5 p. 3 obliges local authorities to take all necessary measures for the successful integration of migrants. Organisation of illegal migration leads to five years of imprisonment or a fine for up to 15,000 Euros for each ineligible foreigner. In case if the situation involves making a profit the sentence may vary from 4 to 15 years. The fines increase if the case involves a group of more than 5 illegals, if at the point of entering the life of the immigrant is endangered by the organizer, if he or she had to suffer humiliation or if the organization was done by a group of three or more people. If the immigrants were entered for prostitution or if the case involves exploitation of child labour the prison sentence term increases by 30–50% and the fine to up to 25,000 Euros for each person brought in. An employer, who uses illegal migrants, is punished by a prison sentence from three months to up to one year and a fine of 5,000 Euros per worker.

P. 19 foresees a prohibition for readmission in the case if the returned had been an object of persecution in his own country on the basis of race, gender, language, citizenship, religious beliefs, political views etc.³⁹

The “Bossi—Fini Law” which was passed in 2002 shortened the duration of the working permit from four to two years, increased the required duration of stay from five to six years for citizens of non-EU countries willing to receive a permanent residence permit; introduced the procedure of immediate deportation of illegal immigrants; revoked the possibility of reuniting with family members of the third degree of kindred. Apart from that, from 21 motives of granting an Italian entrance visa only five can be emigrational and grant the right to claim a permanent residence permit (after 5 years of residing in the country) and citizenship:

— reuniting of families (reuniting occurs with a person, who already has an immigrant status or Italian citizenship);

— adopting of an underage foreigner by a person, who already has an immigrant status or Italian citizenship;

— contract work (if a contract for work in Italy is present with an undetermined expiry date); moreover, staying in Italy after losing a job is considered a crime;

— individual line of work (in case of acquisition of a right to professional activities) in various branches (commerce, sales, sports, art);

— a chosen place of residence in Italy for wealthy citizens, who have vast passive income sources in their country of residence (not in Italy).

As was noted by special spokesperson of the UN in Italy in 2006, the Bossi—Fini law has a totally opposite impact: instead of integration and transcultural dialogue it leads to criminalization of immigration communes in Italy.⁴⁰

Refugees in Italy have a right to employment, as well as open access to national educational and healthcare systems. After five years of permanent residence and employment in Italy persons with a refugee status have the right to file for citizenship.

In 2012 an array of legislative acts concerning migrants was passed. On the 10th of March 2012 the government enacted a new law about legalization. Starting from that day all persons of the age of 16 and older, in order to receive “permesso di soggiorno” (permit to stay) in Italy, will have to sign the so-called “integration agreement” with the government.⁴¹

On the 16th of July 2012 a decree was passed regarding legalization of foreign workers. Starting from September 15th employers could file for legalization of their workers.

According to this law, employers, who reported their illegal workers and who filed for legalization were not harshly prosecuted. The filing was accompanied by a fee of 1,000 Euros per illegal worker.⁴²

- Authorities’ compliance with such legislation (law enforcement practice).

Law enforcement practice regarding migrants has many faults.

Italy takes in a major part of the European migrant flow, which intensified after the happening of the “Arab spring” in South Africa and the Middle East.

As of the 1st of January 2012 there are 4,859,000 migrants who are accounted for (8% of the whole population). The biggest communes among migrants are the Romanian (1.2 mln), Moroccan (506,000), Albanian (491,000) and Chinese (277,000).⁴³

The migration issues are being handled by the Ministry of Internal Affairs, which has an Administration of migration and border police. There are also territorial migration councils in the areas. They include representatives of competent institutions, local authorities, trade unions,

employer unions. They conduct monitoring of the overall situation with migration; rate the territorial “capacity” for accepting migrants.⁴⁴

According to data from the “Human Rights Watch” report, in 2012 at reception centres, including the urgently equipped ones, remained around 18,000 persons who were seeking asylum and arrived to the country in 2011. Many awaited the final decision on their claim. Despite pleas by EU representatives, extrajudicial returns to Greece continued, including ticketless unsupervised children and persons who were seeking asylum, trying to enter Italy by ferry. The situation was so severe that some courts in EU countries annulled the extradition of migrants to Italy.⁴⁵

In April 2012 Italy signed a new agreement with Libya about migration control. Italian authorities have asked Libya to take measures by setting a limit to the flow of migrants, ignoring the fact that migrants, refugees and persons seeking asylum were still threatened by harsh violation of human rights in that country.⁴⁶

Since 1998 a quota system in Italy is active in regard to access of foreign workers to the inner job market. Quotas are set annually for each of the 20 country regions and then divided by the regional labour services into quotas for 104 provinces. Quotas are differentiated: based on countries (preference is given to citizens of those countries, with which mutual agreements regarding readmission are signed); based on migrant categories (contract workers or independent workers); based on length of stay (long-term and short-term contracts, seasonal work); based on employment sectors.

At the same time there are certain developments. In July 2011 the Constitutional court of Italy lifted the state which violates the Constitution and forces immigrants to present a residence permit in order to register a marriage in Italy. One should also note the decision of the cassational court of Italy No. 10665 of the 26th of June 2012 to consider denial in payments of social benefits on the basis of the claimant’s inability to provide a residence permit or permission to stay during a lengthy period as illegal.

On the 15th of April 2012 the court of Brescia came to a conclusion regarding the case of the mayor of the small city of Chiari, who prohibited giving permissions for marriage to illegal immigrants. The mayor’s decree was annulled. Moreover, the judge sentenced the Chiari commune to pay 4,000 Euros to the plaintiff as costs of litigation costs, as well as to purchase space on the page of the newspaper “Republic” and publish the court’s decision.⁴⁷

On the 13th of June 2012 the court of Brescia found the decision of the mayor of Ghedi, who stated that the lease of public housing could only be done by Italian citizens, discriminating.⁴⁸ On the 19th of September 2012 the court of Trieste forbade to deprive migrants of access to social cards with child benefits on the basis of lacking Italian citizenship.⁴⁹

- Discriminatory practices against immigrants.

Discrimination of migrants was noted during their reception. In 2009 a practice was introduced regarding the return of vessels intercepted in the open waters between Italy and Libya back to the country of origin. In February 2012 the European Court on Human Rights has found the mass deportation of 24 Somali and Eritrean citizens from the island of Lampedusa in 2009 unlawful. The Cassation Court on the 10th of July 2012 stated that migrants, after being notified of their coming deportation from Italy, could not in any way affect the decision in order to stay in the country.

Children of migrants who are born in Italy do not receive Italian citizenship. In 2008 a law was passed, according to which migrants who did not provide documents proving their stay in the country for at least 10 years, lose their right to a partial compensation of housing costs. Moreover, migrants without documents cannot file complaints regarding violation of their rights. According to the data of the research published in 2011, migrants face discrimination during lease of housing. This issue is especially topical for Muslim migrants.

Migrants are often apprehended by the police. According to data of a research conducted in 2010, 67% of Albanians, 45% of Romanians and 55% of natives of North Africa stated that the last time they were stopped by the police was related to their ethnical background. A third of the interviewed was stopped at least four times per year. 41% of North African natives, 21% of Romanians and 18% of Albanians noted rude behaviour of policemen during apprehensions.⁵⁰

Working migrants suffer discrimination at work. They often receive salaries which are 20–30% less than those of working Italians (in Basilicata and Calabria the gap reaches 40%). They are fired first — as a result in 2012 the unemployment level among migrants reached 11% in comparison to 8% unemployed Italians. Migrants are harshly exploited in agriculture, especially in collecting tomatoes in Sicily and collecting oranges in Calabria, where they work for 10–14 hours per day for 30 dollars. In many ways such pricing is the result of a decrease in prices for agricultural produce.⁵¹

- Use of the “ethnic crime” topic in order to discriminate against immigrants.

The issue of “ethnic crime” established itself as an important part in the ideology of the Italian Right. This very argument was used in order to declare the “state of emergency” towards Roma in 2008. In the mass media (especially the electronic media) the topic of the allegedly high ethnical and migrant crime rate increases every time after a subsequent famous crime committed by immigrants.

- Social welfare for immigrants.

Responsibility for assisting in integration of foreigners who legally reside in Italy is imposed on the Ministry of social development in compliance with the law of 1998. The following are defined as the main goals in the integration policy in the Law: reinforcement of the collaboration between the country's citizens and the representatives of national minorities and provision of equal social guarantees to immigrants, who lawfully reside in Italy. One of the goals of the territorial councils on migration is the planning and introducing of actions to socially support integration of migrants.⁵²

According to P. 20 and 25 of the Immigration Law, working migrants (including seasonal workers) use social insurance and social benefits. P. 34–35 of the Law regulate the availability of medical services for migrants. P. 40 notes that migrants may, in order of general quotas, receive social housing from municipal authorities (“Bossi—Fini” law of 2002 introduced a 5% restriction on the quantity of public housing occupied by foreigners). P. 41 says that foreigners, who received a residence permit for at least one year, have the same rights in the sphere of social support as Italian citizens. According to P. 42 authorities of all levels have to do their best in assisting the integration of migrants by organizing educational courses for them. P. 46 notes that in the presence of the Council of ministers a commission dealing with integration issues exists.⁵³ A foreign citizen who is a resident of Italy has the right to preserve the special aspects of national culture and religion.⁵⁴

There is an active Internet portal “Integration of migrants,” created by the Department of Immigration and Integration Policies of the Department of Labour and Social Politics with funding from the European fund of integration. There is information presented on the portal, which helps migrants integrate into the Italian society. It is divided into: education and studies, work, housing, access to basic services, minors and children born in Italy.⁵⁵

- Negative attitudes towards immigrants, foreigners, different ethnic groups.

Xenophobia is widespread in Italy. According to results of a survey published in the beginning of 2012, 59.3% of the interviewed partially or fully agreed with the point of view that “religious practices of several immigrants pose a threat to our lifestyle.” 41.1% were against the opening of a mosque near their place of residence. 16, 3% claimed that “migrants have to adapt to our religion.” According to the same survey, 68.4% did not want to have Roma neighbors, 25.6% — Romanians, 24.8% — Albanians, 19.2% — Moroccans. 55% of Italians thought that

during the distribution of social housing immigrants with the same needs as citizens should be included in the list after the Italians.⁵⁶

One can also talk of a high anti-Semitism level in Italy. According to a survey conducted in January 2012 61% of Italians thought that Jews were more loyal to Israel than to their own country (this figure has not changed since 2009 when the previous survey was carried out), 39% of Italians thought that Jews “have too much of an impact in the business world” and 43% thought that Jews dominate the financial markets. Apart from that, 48% of Italians thought, that Jews pay too much attention to the Holocaust.⁵⁷ Based on the number of people who share this statement Italy took fourth place behind Hungary, Poland and Spain.⁵⁸

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence and improvement of immigration laws	5
-/×	Authorities’ compliance with such legislation (law enforcement practice)	2.5
×	Discriminatory practices against immigrants	-5
×	Use of the “ethnic crime” theme in order to discriminate against immigrants	-5
×	Social assistance for immigrants	5
×	Negative attitude of the society towards immigrants, foreigners, various ethnic groups	-5
	Total for section 6	-2.5

7. Incitement of religious and ethnic hatred

Indicators

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

In 1963 in Padova a neo-Nazi publication *Edizioni di Ar* regularly comes out, which publishes many works of anti-Semitic authors. This list includes works by Julius Evola, the German researcher of racism Hans Günther, the Romanian anti-Semite Archangel Michael and Corneliu Codreanu, member of the “Iron guard,” works of Muammar

Gaddafi, Rejectionist of the Holocaust Claudio Mutti, who support the Libyan leader in the Israeli issue and was many times found guilty of racist statements. The publication spreads issues through the internet and has its own bookshop in Avellino/Campania.⁵⁹ Under guidance of the Casa Pound faction a cultural “Centre of fascists of the third millennium” and the bookshop “Futuristic circle” were formed.

In 2012, widespread attention was paid to remarks on Facebook, made by the leader of “Five Star Movement,” which received 25% in the 2013 parliamentary elections, and a well-known former Italian comedian, Beppe Grillo. On his Facebook page, Grillo posted several anti-Semitic statements, as well as negative comments towards migrants accompanied by quotations of Mussolini.⁶⁰

It is often that racist remarks are left on the Internet by activists of the “Northern League,” regardless of assurances from their leader, secretary general of the party Roberto Maroni, in March 2012 that his party is not racist.⁶¹ At the beginning of January 2012 it came to light that the professor of history and philosophy in the D’Asedglio lyceum in Torino Renato Pallavidini frequently posted anti-Semitic threats on his “Facebook” profile. At the end of December he promised to “shoot all Jews in the synagogue”, if a picture of Hitler and Mussolini will be deleted from his profile. Here he also claimed that he is ready to “shoot at black vendors.”⁶² On February 24th it became known that racist and anti-Semitic materials are being posted on the “Facebook” page of “Union of fighting students” in the Roman lyceum of Avogadro.⁶³

In 2012 there were many registered cases of racist graffiti.⁶⁴

- Presence and popularity of radical nationalist literature, films, music. Ultranationalist rock bands and their concerts.

Italy has a whole range of music bands, which support the ultra-right movement. The most well-known of them is the band ZetaZeroAlfa, which is the official group of the Casa Pound organisation.⁶⁵ Apart from it such groups as “Civico 88,” “Garrota,” “Legittima Offesa,” “Linea Ostile” often appear at neo-Nazi rallies and organize concerts. As a rule these bands are closely associated with various neo-Nazi organization activities. For example, based on police reports, the band members of Garrota are closely linked to the neo-Nazi organization “Twelve rays” and on the basis of that their homes were subjected to a search.⁶⁶

At the same time a part of anti-Nazi organisations tries to prevent neo-Nazi band concerts. In such a way, on the 14th of January a concert of Nazi-rockers “Ex Enel” should have taken place in Verona, which would be attended by the ultra-right from other cities. However, on the 9th of January under pressure from anti-fascist organisations the concert was cancelled.⁶⁷

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts	-5
	Total for section 7	-10

8. Radical nationalist groups and parties

Indicators

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).

The main ultra-right organisations of Italy are the parties “New force” and “Tricolour Flame.”

“New force” was established in 1997 in London by members of the former neo-Nazi party “Italian social movement” Roberto Fiore and Massimo Marcello. It recruits not only in ultra-right and neo-fascist circles, but also in ultra-conservative catholic circles.⁶⁸

“New force” actively uses internet resources and also closely collaborates with Greek right extremists “Golden dawn,” French “National Front,” British “British national party,” German “National Democrat party” and Belgian “Flemish block.”⁶⁹

The “Tricolour Flame” party was established in 1995 by Pino Rauti and is a follower of the former neo-fascist party “Italian social movement,” which at the time has already transformed into “National alliance” and opted out of extremism. The current party leader Luca Romagnoli represents a party, which underlines its spiritual link with the “Nazi era” and pursues a pro-Palestinian policy. In July 2012 “Tricolour Flame” organized a global meeting in Milano with the participation of Hungarian party “For a better Hungary,” French party “National front” and British “National Party.”⁷⁰

In November 2012 representatives of Italian branch of the Greek neo-Nazi racist, anti-Semitic party “Golden dawn,” decided to take part in the regional elections of 2013 under the name of the progenitor party “Golden Dawn of Italy.” The “Golden Dawn of Italy” was established in October 2012. Alessandro Gardossi of Triestine became the party secretary. He also worked for the “New Rule” and “Northern

league.” The party’s symbol is a yellow wreath on a blue background, which represents a stylized swastika.⁷¹

In 2003 the nationalistic fascist fraction “Casa Pound” was created, which positioned itself as an “association of extremism followers” and “fascists of the third millenium.” It was named in honor of American poet Ezra Pound who lived in Italy and was a fan of Mussolini. During World War Two he actively propagandized anti-Semitic ideas on the Roman radio. The party headquarters are located in Rome. The party keeps contact with musicians, who support national-socialistic views.⁷²

- Discriminatory demands towards the minorities in programmes of these parties and in statements of their leaders.

The “New force” in its programme proclaimed the necessity of combating masonry. It also highlights combating immigration as its priority, characterizing it as a “full-fledged Muslim aggression towards Europe,” endangering the fate of Italians as a nation. That said the party accused the Italian authorities of depriving Italians of housing and jobs in favour of migrants. As a solution to the problem they suggested deporting all migrants.⁷³

“New force” is also a racist, homophobic and anti-Semitic party. The party is against abortions, which it calls “the only Holocaust of the 20th century.”

“Tricolour Flame” in its declaration states that it can be defined by the legacy of Mussolini.⁷⁴ It is a classical fascist party, whose ideal is Mussolini’s social policy.

“Italian Golden Dawn” calls itself an anti-sionic party, but behind anti-Zionist there is plain and obvious anti-Zionism. The party lobbies for dictatorship of the intellectuals, is fascinated by the economical policy of Hitler and social policy of Mussolini.⁷⁵

“Casa Pound” positions itself as a fascist party, borrowing nationalistic ideas from the right and social views from the left. Its ideal is a social nation-state of Italians.

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.

One can talk of a partial influence of neo-Nazis and radical nationalists on the Italian public community. It mostly spreads to people, who uphold rightist views.

For example, in January 2012 it was revealed that the ally of Roman mayor D. Allemano — M. Vattani, appointed as Italian consulate in Osaka (Japan) sang in a duet with Nazi rock-group ZetaZeroAlfa frontman D. Iannone and for many years performed pro-Nazi songs under the alias of “Katanga.”⁷⁶ In May 2012 it also became known that the mayor of Verona F. Tosi invited Andrea Miglioransi, a

“Tricolour Flame” member who performs anti-Semitic and xenophobic songs in one of the rock-groups, as the manager of his election campaign.⁷⁷

In the middle of May it came to light that at the residence of the director of the immigration department of Trieste police Carlo Baffi, who was accused of the death of a Ukrainian immigrant, Nazi literature was found.⁷⁸ On the 2nd of October it also emerged, that the son of Roman mayor D Alemanno posted a photo of himself on “Facebook” where he was depicted raising his hand in a Nazi salute.⁷⁹

It needs to be said that the increase of the radical-nationalist party and group influence in Italy has its objective and subjective reasons. On one hand, this is a sharp increase in migration flows and obvious economical difficulties, on the other hand, an effective use of new technologies by the nationalist-radicals, the Internet above all. For example, “Casa Pound” has an active presence on the Internet and allows effectively using the social media to circulate their messages and recruit new members.⁸⁰ The organization, in particular, has a 24-hour Internet radio “Bandiera Nera” and a weekly webcast “Tortuga-TV.”

Fascism in Italy is gradually starting to be perceived as something normal. In various locations throughout the country it is more and more common to come across bottles of red wine with Hitler and Mussolini imagery. Those who wish to purchase this product can freely do so — according to vendors it is in special demand.

- Neo-Nazi and radical nationalist influence over the local legislative and executive bodies.

During local elections in 2012 the right and the nationalists suffered a crushing defeat: they were able to push their candidates only in several election districts. As experts think, the voter voted against the regime of economy and corruption scandals, which engulfed the rights.

- Neo-Nazi and radical nationalist influence over the central legislative and executive bodies.

The national-radicals are not represented in the parliament of the country. Their influence on inner public authorities is minimal.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities)	-5

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities	-5
-/×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations	-2.5
-	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies	0
-	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies	0
	Total for section 8	-12.5

9. Extremist and radical nationalist public actions

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

The “Casa Pound” political party is famous in Italy for its attacks on anti-fascists, as well as for “patrolling” certain city districts in order to expose anti-fascists and immigrants. For example, on the 12th of May a group of militants from this party, armed with chains and melee weapons held an unsanctioned meeting and then attacked a club in Parma, where supporters of leftist parties and anti-fascists gathered. Neo-Nazis yelled insults addressing the gathered and demanded that they leave the premises. In the fight that broke out the anti-fascists repelled the attack.⁸¹

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

In comparison to many other countries in the world, the Italian nationalists prefer half-closed conferences, disputes, pickets in support of the poor and students and even organize cultural events such as wildlife excursions and visits to historical place of Italy to mass pub-

lic actions. This is done in order to attract supporters and new members, which such parties currently have a few of. Nevertheless, in 2012 several speeches of rightist-radicals were recorded. Here are some of them:

On the 10th of February in Parma neo-Nazi organisations orchestrated a march dedicated to the so-called “Remembrance Day” of the victims of Yugoslavian partisans in Istria during World War II,⁸² which was met by an anti-fascist rally.

On the 7th of May 2012 in the city of Pescara an anti-Roma manifestation took place, which was attended by around 1,000 people. The cause was the murder of ultra-rightist Dominic Rigante by the member of the Roma commune Massimo Chiarelli. The protesters yelled anti-Roma slogans, such as “Gypsies — into the bonfire!” and demanded their exile from Pescara. The peculiarity of this situation is that the Roma of this Italian town have already lived there for several decades and from the words of the local chief of police have perfectly integrated. The day before around ten locals organized an anti-Roma “raid” at the bingo club in Montesilvano, which borders with Pescara.⁸³

On the 23rd of July in Florence the party “New force” has led a demonstration against “dominance of immigrants from Northern Africa.” In the course of the demonstration, which went throughout the city centre, activists handed out leaflets in which immigrants were accused in the rising crime rate and, before all, drug trafficking.⁸⁴ During the manifestation episodic clashes occurred with the anti-fascists who were rallying against this action.

Often fascists use social problems of the country and separate provinces and even residential places in order to attract voters to their side. A striking example is a manifestation against expensive bus fares in Torino, which took place on the 25th of September. Activists of the party have installed a skeleton near a bus stop and placed a poster “Waiting for the bus” upon it.

On the 15th of November an anti-Israeli demonstration took place in Rome. Its participants chanted anti-Semitic and pro-Palestinian slogans near the central synagogue of Rome.⁸⁵

On the 24th of November a “Casa Pound” neo-Nazi manifestation took place in Rome, which was met by a powerful counter-manifestation of the anti-fascists.⁸⁶

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

Monitoring did not register such facts in 2012.

- Presence of “football xenophobia” and racism amongst sports fans.

In the 2011/12 football season there were 59 counts of racism on Italian stadiums.⁸⁷ Those were mainly songs and verbal insults from the supporters, because banners are banned in Italian stadiums since 2007. There were also cases of football players insulting each other on the field.

According to Mauro Valeri, who heads the Centre on combating racism in football, the problem of racism in Italian football lies in the fact that the championship has no provisions for compensations for teams, which suffered racism, and that in the beginning of the 90’s radical-rightist parties shifted the focus of their work on groups of sports supporters and in 20 years have had moderate success.⁸⁸

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities	-5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities	-5
-	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies	0
×	Presence of “football xenophobia” and racism amongst sports fans	-5
	Total for section 9	-15

10. Racist attacks, violence and terror

Indicators

- Vandalism in cemeteries, attacks on religious buildings.

In 2012 there were many registered cases of vandalism and desecration of religious buildings. Especially “rich” for such events was November, which is explained by the reaction to Israel’s military operation in Gaza in that period.

In such a way, on the 23rd of November the appearance of swastika on the wall of the Jewish cemetery in Vercelli came to light. Several

days earlier vandals threw red paint at the front door of the Parma synagogue and on the 24th of November an inscription stating “Israel — a Nazi state” appeared on the doors of the local synagogue.

However, not only Judaic religious buildings suffered from acts of vandalism. For example, on the 27th of November an attack was made on the church of St. Francesca (Santa Francesca Romana) on the Forum Romanum.⁸⁹

- Inter-ethnic clashes instigated by xenophobia and radical nationalism.

Monitoring did not detect any cases of inter-ethnic clashes in 2012.

- Cases of violence, including murder on racial, ethnic and religious grounds, terrorist attacks on the basis of radical nationalism and religious fanaticism.

Italy lacks credible statistical data on hate crimes. Nevertheless, separate numbers show that the rate of such crimes is moderately high. Just 59 racist incidents were recorded on the football field in the 2011/12 season, part of which have grown into open confrontations: for example on the 23rd of November in Rome supporters of FC “Lazio” attacked fans of the English “Tottenham” calling their victims members of the “kike army.” Ten people were injured, two of which — critically.

In 2012 there were 124 registered gender murders (murders of women).⁹⁰ According to information of non-governmental organisations dealing with protection of LGBT representatives, hundreds of crimes are committed annually against homosexuals and transgender individuals.⁹¹

Approximately the same numbers relate to attacks on the Roma, Jews and immigrants — natives of Asia and Africa.

In particular, attacks on immigrants on the basis of their racial background occurred in Rimini, Pesaro, Parma, Avezzano, Milano and a range of other cities.⁹² At the beginning of December in Milano a 17-year old neo-Nazi stabbed an anti-fascist claiming that he did it in self-defence.⁹³ A Jewish tourist, student of the New York yeshiva, was brutally beaten at the end of December in Venice by a gang of Arabic teenagers.⁹⁴

- Murders and terrorist acts on the basis of radical nationalism and religious fanaticism.

Monitoring did not detect cases of terrorism and murder on the basis of hate, although there were attacks on immigrants with intention to rob.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Vandalism in cemeteries, attacks on religious buildings	-5
-	Inter-ethnic clashes instigated by xenophobia and radical nationalism	0
×	Cases of violence, including murder on racial, ethnic and religious grounds	-5
-	Cases of hate crimes	0
-	Terrorist attacks on the basis of radical nationalism and religious fanaticism	0
	Total for section 10	-10

11. Presence, popularity and size of antifascist and antiracist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

There are numerous active anti-fascist and anti-racist organisations in Italy. The following parties consider themselves anti-fascist: “Alliance of Red and Anarchist Skinheads (R.A.S.H.),” anarchic movement “Autonomous action,” the Italian Communist Party, Communist Renaissance party, “Italy of Values” (Italia Dei Valori), the Democratic party, the National alliance of Italian partisans, the National association of the politically repressed of Italy, the National association of Italian political exiles and prisoners of Nazi concentration camps, Association of Freedom Volunteers and others. The total number of non-governmental organisations which deal with combating fascism and racial discrimination amounted to 450 by the end of 2012.

They are active in Rome, Milano, Napoli, Padua, Palermo, Parma, Florence and other cities. On the 14th of January in Rome “Coordinative council for protection of the democratical order and the Constitution”⁹⁵ was established by most of these organisations.

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

Anti-fascists regularly organize protests against activities of radical-nationalist organisations. Here are some of the most notable ones:

On the 14th of January in Verona anti-fascists carried out a powerful protest against the scheduled Nazi rock-group concerts. They notified their supporters in advance through social networks. As a result of the massive rally the concert was cancelled.

On the 21st of January 2012 in Cuneo near the headquarters of “CasaPound” a protest took place which was organized by the anti-fascist organisations.⁹⁶

On the 10th of February in Parma neo-Nazi organisations orchestrated a march dedicated to the so-called “Remembrance Day” of the victims of Yugoslavian partisans in Istria, which is celebrated by Italian neo-Nazis, activists of anti-fascist organisations have carried out a protest demonstration.⁹⁷

On the 15th of March in Milano anti-fascists organized a meeting to commemorate their comrade David Cesar who was killed by neo-fascists on 16.03.2003.⁹⁸

On the 13th of October anti-fascists painted graffiti on public toilets in Bologna making a point that this is a more suiting mausoleum for the fascist general Graziani that the building in Affile.⁹⁹

At the beginning of December after the injury of an anti-fascist in Milano, more than one hundred of his comrades almost stormed the headquarters of local skinheads, but they were stopped by the police.¹⁰⁰

On the 24th of November in Rome a protest against the manifestation of neo-Nazis took place.

On the 13th of December in Florence a demonstration of anti-fascists took place who demanded persecution of nationalists who shot migrants in Florence in 2011.¹⁰¹

On the 15th of December in Treviso a demonstration against neo-Nazi violence in Italy occurred, organized by the National association of Italian partisans and the Association of Freedom Volunteers.¹⁰² The list can go on.

- Presence of anti-racist and anti-fascist civil initiatives.

ASGI (Association of immigration law studies) annually, starting from 1995 organizes Global Anti-Racism Conferences, a week of initiatives, when government authorities and private organisations combating racism and estrangement throughout Europe, can meet and exchange ideas and opinions, share information regarding the proper practices and organizing of training seminars.

In such a way in October the “Open Society” and the Centre for Migrational Politics organized consultations with members of the public and scientists in the European university in Florence regarding migrational problems.¹⁰³

On the 25th of November the president of the Italian union of Jewish communes Renzo Gattegna made a speech where he confidently

criticized anti-Semitic incidents, the number of which had grown rapidly in the last weeks.

“Recapitulation of all anti-Semitic episodes would take too much time, however we have to attract attention of the public to the situation of the rising constraint,” — proclaimed Gattegna.¹⁰⁴

One can also note the row of initiatives on behalf of the sports community.

On the 28th of June captains of German and Italian national teams Philipp Lahm and Gianluigi Buffon have shown support to the UEFA initiative before the semi-final match of Euro-2012 by making anti-racist statements. They urged supporters to honour ethnical and socio-cultural variety. “I am proud to lead my country’s team into such an important challenge of Euro-2012, — said Bufoon. — I and my partners are against all sorts of discrimination. We are a team, regardless of our religion or ethnical background. That is exactly why we support the “Respect differences” program and urge the whole football world to follow our lead.”¹⁰⁵

Famous football player Mario Balotelli visited a memorial to Holocaust victims during the World Cup in 2012.¹⁰⁶

On the 27th of November players of FC “Lazio” entered the field wearing T-shirts with the logo “No racism.”¹⁰⁷

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-racist and anti-Nazi movements and parties	5
×	Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations)	5
×	Presence of anti-racist and anti-fascist civic initiatives	5
	Total for section 11	15

12. Glorification of German National Socialism and collaborators of Nazi Germany

Indicators

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

Such facts were not recorded during monitoring in 2012.

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

On the 29th of April in Italy neo-fascists installed a memorial board on the house, where in 1945 dictator Benito Mussolini was shot to death.

Around 200 supporters of the fascist ideology participated in a ceremony which took place in the village of Mezzegra in Lombardia. The memorial board with portraits of Mussolini and his lover Clara Petacci were blessed by a priest. It was also reported that the head of the Mezzegra administration took part in the festivities, because the decision to install the memorial board was approved by the city council. The initiator of the event was the National union of fighters of the Italian socialist republic. This organization unites the veterans of World War II, who fought Mussolini in 1943–45.¹⁰⁸

On the 25th of October 2012 it became known that Mussolini still remains an honourable citizen of Varese and local authorities are not too willing to deprive him of the honourable title.¹⁰⁹

On the 15th of August 2012 in Affile (Lazio region) under the initiative of local authorities a memorial to Rodolfo Graziani was opened. Graziani was Mussolini's marshal and his monument cost 127 thousand Euros. During the opening of Graziani's memorial the mayor of Affile and a representative from the Vatican were present, as well as another 100 people. A local native — Graziani was called "the famous" son of this town.¹¹⁰ The city website published a message about the ceremony and pictures. The mayor of Affile Erkole Viri stated: "The fact that I released gas may be true. We all know — it was war. And he was a soldier who was following orders."¹¹¹ The mayor of Affile expressed hope, that this place will become "as famous," as Mussolini's burial grounds.¹¹²

On the 7th of October in Parma an event organized by the National Association of Italian paratroopers took place commemorating paratroopers of German Italy, who died in 1942 during the battle under El Alamein.¹¹³

On the 15th of October it became known, that in Avezzano (Abruzzo region), one of the streets was named in honor of Cornelio Di Marzio — a writer and activist of the fascistic party, one of the authors of racial rules of 1938.¹¹⁴

- Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities.

Such facts were not recorded during monitoring in 2012.

- Historical revisionism, Holocaust denial.

In spring 2012 the news publication “La Repubblica” notified of a 90-minute video on the Internet called “Knowledge makes us free,” which tells of the events of the Holocaust and in particular, pinpoints that this historical event is a fabrication. The video also includes materials of many neo-Nazi forums. The video’s producer is probably someone from the representatives of the “New Force” party and in the final credits words of gratefulness are expressed towards Italian denier of Holocaust Carlo Mattogno.¹¹⁵

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition	0
×	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers	–5
–	Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities	0
×	Historical revisionism, Holocaust denial	–5
	Total for section 12	–10

13. Persecution of veterans and partisans of the anti-Hitler coalition and anti-fascists

Indicators

- Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.

In the studied period no immediate calls for repressions were registered, however at the end of January 2012 it became known that in 2011 a neo-fascist magazine circulated in Parma schools, which described partisans-antifascists as cowards and rapists.¹¹⁶

- Restrictions imposed by the authorities on human rights and antifascist organisations. Bans to entry or exit imposed on antifascists. Authorities' inaction.

Such facts were not registered during monitoring in 2012.

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

At the night of the 9th of May 2012 in Salerno three police patrols apprehended four anti-fascists, who were erasing pro-fascist graffiti. The trial which took place in a month has sentenced them to a penalty fee.¹¹⁷

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists	0
–	Restrictions on human rights and anti-fascist organisations imposed by the authorities, bans to entry or exit imposed on anti-fascists by the authorities, inaction of the authorities	0
×	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists	–5
	Total for section 13	–5

14. International aspect

Indicators

- Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities.

By 2013 Italy has ratified the Global convention on the liquidation of all forms of racial discrimination (1966), Convention on the liquidation of all forms of discrimination against women (1979), Convention of foreigner integration into social life on the local level (1994), Framework convention regarding the rights of national minorities (1997).

Italy also signed, but has not ratified the European Charter of regional languages and minority languages (2000), regardless of a direct plea from PACE in 2007; Additional protocol to the Convention on Cybercrime regarding criminalization of racist and xenophobic acts com-

mitted through computer systems (2011); protocol No. 12 to the European Convention on Human Rights, which includes an overall ban on discrimination; the European Convention on Citizenship; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Apart from that, Italy did not adopt chapter “C” of the Convention on integration of foreigners into social life on the local level to national legislation, which guarantees foreigners, who permanently reside in the country, the right to take part in elections to local authorities.

- Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period.

During the monitored period Italy did not join any new international agreements or resolutions of the UN or other global organisations, dedicated to combating Nazism, combating discrimination, or protecting rights of minorities etc.

- International statements and initiatives against discrimination, neo-Nazism and xenophobia made by the monitored countries and their leading politicians.

On the part of Italy there were no noted international initiatives or statements on the topic of racism and discrimination.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities	5
–	Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period	0
–	International declarations and initiatives of the monitored countries and the leading politicians against discrimination, neo-Nazism and xenophobia	0
	Total for section 14	5

CONCLUSION

Consequences for the development of the country and society, based on the analysis of factors and the following aspects:

1. Human rights

- *Guarantees against any form of minority discrimination.*

Minorities in Italy are protected from discrimination by separate articles of the Constitution, as well as by laws passed in 1998 and 2003 about combating discrimination and the law of 1999 regarding rights of linguistic minorities.

Nevertheless, amendments to the Penal Code in 2006 excluded a list of hate crime felonies from it and shortened the possible sentence term for such crimes to the minimum, which one can regard as critical.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.)*

Italy has not ratified the European charter on the protection of regional languages and languages of national minorities. The official cause is the fact that the authorities cannot come up with a list of languages, which must be protected, because in the last decades representatives of nations, untraditional for the country, have made Italy their home and now make up a substantial part of the population.

Chapter “C” of the Convention on integrating foreigners into social life on a local level was not adopted by Italian national legislation because it contradicts the Constitution of the country, which guarantees the right to vote to Italian citizens only.

The issue that remains is Italy’s refusal to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The official stated cause is the inability to distinct permanently working migrants from seasonally working migrants, however it then means that Italy has a conflict with international standards in the sphere of working migrant rights.

As for other signed, non-ratified international agreements, Italy de facto complies with their terms.

- *Differences between the rights and freedoms of the titular nation and ethnic minorities.*

Such differentiation, even though unpronounced, exists and above all relates to rights of the Roma, as well as immigrants from Asian and

African countries in the question of housing, equal pay and discrimination from the police.

- *Legislation enshrining inequality of minorities.*

Such legislation does not exist in Italy.

- *Rulemaking in protection of minorities.*

In the monitored period such facts were not registered.

- *Freedom of speech violations.*

In Italy, even with all the disadvantages of the anti-racist legislation quite strict cases of restricting the freedom of speech exist regarding to propaganda of Nazi and neo-Nazi views, racism, ethnical and religious intolerance which includes in the mass media and mass communications.

- *Legislation and law enforcement practices concerning immigrants.*

Italy has harsh immigration legislation, which basically leads to criminalization of the immigrant environment, instead of leading to its regulation (Law of Bossi—Fini 2002).

2. State of the society

- *Risk of violation or non-compliance with the acting laws aimed at protecting the rights of minorities; risk of discriminatory practices against minorities.*

Italy experienced a major influx of immigrants in the last several years. Against the background of a recession, this caused discontent in the general population. Nevertheless, this factor has not become crucial for the growth of ultra-radical and neo-Nazi parties, who experience a serious deficit in memberships and supporters among voters. Because of that the neo-Nazi threat in Italy is not as big as in several neighbouring countries. The level of xenophobia and migrantophobia in the Italian community, however, is high enough for this issue to receive a more serious treatment.

The danger lies in the underestimation of the fact of racism and neo-fascism by authorities. The country lacks any sort of statistics of hate crimes, does not have any serious programs of governmental support of non-governmental organisations that oppose the rightist radicals. The amendments to the Penal Code of 2006 objectively assist the activity of neo-Nazi organisations. All of this can create certain problems in the future. Today, when neo-fascist parties are still moderately weak and preoccupied with attracting new members, this issue cannot be topical. Only the local authorities of certain residential places are de facto associate themselves with rightist radicals and pass certain

local laws and regulations aimed at discrimination of Roma and migrants. However, the situation can change and then the danger of a fracture in the society, the threat of a power shift in favour of neo-Nazis can become a reality, as evidenced by the Greek scenario.

- *Identity — how manifestations of xenophobia and extremism affect the identity of minorities, as well as majority's identification of minorities (growth of social phobias).*

In Italy, social phobias regarding Roma and Sinti are actively evolving. The mass immigration of the Roma from Eastern European countries, propaganda of rightist radical organisations, as well as some official figures, including representatives of the government and the mass media lead to an increase in xenophobia within the community, which starts to treat the Roma as a non-indigenous organ. Mass anti-Roma actions in the city of Pescara act as proof to that.

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socioeconomic development of the country)

- *Standard of living.*

According to data about living standards of the population in 2012, made by the popular “Legatum Institute” Italy has taken 30th place.¹¹⁸ Nevertheless it is obvious that the development of the recession, job cuts and introduction of harsh means of economy will directly or circumstantially lead to worse standards of living and to an increase in migrantophobia, to an ambition to eliminate the competition on the job market, which causes devaluation of the work force.

- *Economic turmoil and instability.*

The Italian GDP in 2012 has decreased by 7.5%. Unemployment reaches 8%. In these circumstances statements of the ultra-rightists regarding Roma and migrants, who from their opinion are leeching off the taxpayers and stealing jobs from native Italians, sound quite appealing to substantial population groups.

- *Decline in production growth, emigration of the labour force.*

The recession caused an abrupt decrease in manufacturing, which hit the working migrants hard, because they were the first to be fired. Considering the fact that in Italy after the loss of a job the immigrant loses the right to stay in the country, they are forced to accept the worst conditions and transfer to the category of illegals. Emigration of the employable population mostly occurs to more appealing countries, such as

Germany or Great Britain, however it is overlapped by immigration from Eastern European countries that are doing worse economically.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

Italy has a high index of political stability. Meanwhile, infusion of xenophobia in respect to the fact that national minorities make up almost 10% of the population is bound to lead to the increase of tensions within the society.

- *Impact of xenophobia and extremism in the country on the issues of external security, on relations with third countries and the international security in the region as a whole.*

For the time being the political stability of Italy does not raise any doubts in the international community and the level of xenophobia stays low enough to not impact that stability.

RECOMMENDATIONS

1. *General recommendations on the accession to international agreements and conventions.*

Italy should ratify the European charter on regional languages and languages of linguistic minorities without any major provisions regarding the list of protected languages, Additional protocol to the Convention on Cybercrime regarding criminalization of racist and xenophobic acts committed through computer systems (2011); protocol No. 12 to the European Convention on Human Rights, which includes an overall ban on discrimination; the European Convention on Citizenship; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Italy should as soon as possible consider the adaptation of Chapter “C” of the Convention of integrating foreigners into social life on the local level.

It is also recommended to Italy to join the resolution of the UN General Assembly A/RES/67/154 “Heroisation of Nazism: prohibition of certain types of practice, which lead to escalation of modern forms of racism, racial discrimination, xenophobia, and the relating intolerance,” because this problem becomes more and more topical for the country in time.

2. *General recommendations on adjustments to the legal framework.*

Italy has to reconsider amendments to the Penal Code of 2006 in order to generalize the effect of anti-racist articles for all acts of dis-

crimination, racism and xenophobia and not only those , which can lead to changes in public predispositions. Apart from that it is necessary to make the legislation more rigorous in the department of liability for racist crimes, including hate motives while committing crimes.

As well as that the Italian legislative framework should include a ban to glorify functionaries of the fascist regime, which lately has become a common occurrence in Italy.

3. *General recommendations for the executive bodies on law enforcement and human rights.*

Italy should reconsider its practices in the immigration sphere and back out of non-judicial return of persons who are seeking asylum to their countries of origins or transit.

It is crucial to implement a strict statistical count of incidents and crimes based on hate, which would be the first step to combating such crimes.

In addition, active measures in the area of eradicating consequences of the “emergency state” in favour of the Roma should be taken. Additionally, authorities should broaden the staff of UNAR, so that the authority given to this administration could be realized more effectively.

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SUMMARY OF INDICATORS FOR 2012

No.	INDICATORS	SCORE
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-7.5
2	Xenophobia and inflammatory statements by members of the authorities and media	5
3	Legislation and law enforcement practice preventing the development of radical nationalism	12.5
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
5	Activities aimed at promoting tolerance and preventing extremism	5
6	Status of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	-2.5
7	Incitement of religious and ethnic hatred	-10
8	Radical nationalist groups and parties	-12.5
9	Extremist and radical nationalist public actions	-15
10	Racist attacks, violence and terror	-10
11	Presence, popularity and size of anti-fascist and anti-racist movements	15
12	Glorification of German National Socialism and collaborators of Nazi Germany	-10
13	Persecution of veterans and partisans of the anti-Hitler coalition	-5
14	International aspects	5
	Total	-25

LATVIA

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

Indicators

- Discriminatory legislation affecting minorities residing in Latvia in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

There has been discrimination in granting citizenship in Latvia since the 1990s. In 1991, citizenship was granted only to people who had been citizens of Latvia prior to 1940 or their descendants.

In the 1990s, people who moved to Latvia from other Soviet republics between 1940 and 1989, and their descendants, became non-citizens.

Non-citizens have no voting rights, although they can be members of Latvian parties and make donations in their favor. They cannot serve in the military and law enforcement agencies, work as prison guards, public officials, lawyers, notaries, pharmacists, employees of the State Revenue Service, registry offices, etc. Land purchase transactions for non-citizens are allowed only with the consent of municipal authorities. At the same time, they are subject to Latvian diplomatic protection abroad, and have the right to live in Latvia without requesting a residence permit.

There are 80 differences altogether between the rights of citizens and non-citizens of Latvia.¹

Naturalization of non-citizens in recent years has been going on extremely slowly (no more than 2,000 people per year). This is largely due to existing restrictions (Latvian citizenship cannot be granted to activists of pro-Soviet organizations; to soldiers of the Soviet Army and the internal troops of the USSR (Russian Federation), who settled in

Latvia after demobilization; or to ex-KGB agents) and the extreme rigidity of the naturalization examinations.

Until recently, the testing criteria for the Latvian citizenship exam remained unknown to the public. They were published by the Latvian Citizenship and Migration Affairs Office only on November 9, 2012, at the request of the Deputy Head of the Reform Party parliamentary faction, Vyacheslav Dombrovsky.²

According to the results of a survey conducted by specialists of the Latvian Office of Citizenship and Migration Affairs that was published on October 8, 21.3% of respondents felt that they could not pass the exams, 17.2% were waiting for easing of the procedure for obtaining citizenship, 13.5% noted that international travel was easier with a non-citizen's passport, and over 9% stated that they had no time for the naturalization procedure.³

At the same time, 18% of non-citizens were not aware of the possibility of registering children of non-citizen parents as Latvian citizens.⁴

By the end of 2012, 297,883 non-citizens (13.5% residents) lived in Latvia. This number of non-citizens is a nonsense for an EU country.

Besides citizenship restrictions, there are language restrictions in effect in Latvia. According to the Official Language Law passed in 1999, there is a list of occupations in the private and public sectors that require a certain level of Latvian language skills, from elementary A1 to advanced C2. In 2008, the list of occupations was dramatically expanded, and in 2009 and 2011, fines for non-compliance with language requirements were increased. The Administrative Violations Code, Section 14 "c" includes twelve elements of violation in the use of the official language. The State Language Center most often employs the section on insufficient knowledge of the official language for carrying out occupational duties.

The Electronic Mass Media Law passed in 2010 applies special restrictions on broadcasting in a language other than the official language, not only for public, but also for private channels. Article 4 of the Law on the Status of the Municipal Deputy and Article 18 of the Saeima Rules allow a deputy to be stripped of his mandate due to the lack of Latvian language skills.

The European Commission against Racism and Intolerance published its fourth report on Latvia on February 21, 2012. In the report summary it was noted that "it is necessary to revise the official language policy to stipulate that the obligation to use it is applicable only when there is a clear legitimate public interest." The Commission recommended that provisions on stripping municipal deputies of their mandates due to the lack of Latvian language skills be canceled (Clause 69). Tightening of the requirements for Latvian language skills in various occupations was regarded as creating an atmosphere of Inquisition,

which was very likely to lead to deterioration of interethnic relations (Clause 62). The Commission also recommended that the Electronic Mass Media Law be revised in regard to restriction on broadcasting in a language other than Latvian (Clause 99). The newly introduced prohibition on non-citizens working as municipal police officers was treated as racial discrimination (Clause 124), while the decision of the Constitutional Court to deny the non-citizens the right to count years they worked in Transcaucasia and Central Asia as years of pensionable service, was named “at best, a very narrow interpretation of the European Court of Human Rights’ (ECtHR’s) judgment” (Clause 130).⁵

A number of discriminatory acts were passed in 2012, along with regular rejections of proposals to abolish or at least mitigate the discriminatory regulations. On January 17, the Union of Greens and Farmers parliamentary group introduced a draft amendment in the Saeima to prohibit referendums that pose a threat to Latvian statehood. The draft amendment prohibited such referendums, including those to revise the position of the Latvian language as the only official language of Latvia. This draft was submitted to the voting committee for consideration on January 19, and 78 deputies voted in favor of it.⁶

On February 9, the Saeima rejected the draft law on ratification of the European Convention on Nationality, signed by Latvia back in 2001, which does not allow denial of naturalization for political reasons. Thirty deputies, all from the Concord Center faction, voted “for,” 60 voted “against” and three abstained.⁷

On February 9, on first reading, and on May 17, on second reading, the Saeima passed amendments to the Labor Law from a group of deputies of the ruling National Alliance and Unity, as well as the opposition Union of Greens and Farmers, which prohibit requiring an employee to have knowledge of a specific “foreign language” (the Official Language Law treats all languages except Latvian and Livonian as such), unless its use is included in employment duties, or to include a requirement for knowledge of a specific foreign language in job advertisement, unless it is “reasonably necessary” in the work. Deputies voted for these amendments despite the stiff opposition of the Ministry of Economics, employers’ unions, etc.⁸

On March 1, the Saeima rejected a proposal from the Concord Center faction supported by another opposition faction, the Union of Greens and Farmers, giving Orthodox Christmas the status of a holiday. The proposal was voted down by the Head of the Saeima Committee on Human Rights, I. Murniece (National Alliance*), who opposed the proposal due to the threat of splitting society, although the leaders of

* The National Alliance is a block of two radical nationalist parties: “All for Latvia!” and VL—TB/LNNK, which has its faction in the Latvian Saeima, and is represented in some local legislatures — *editor’s note*.

two other major Christian denominations — Lutherans and Catholics — had no such objections to Orthodox Christmas.⁹

On April 2, it was learned that the Constitutional Court refused to hear a complaint against provisions of the Official Language Law that define all languages except Latvian and the almost extinct Livonian as foreign.¹⁰

On September 17, the President's Commission on Constitutional Law published a report, which indicated that there is a certain "Constitutional core" connected to the identity of Latvia that is not subject to change through legislative processes. The commission attributed the "principle of the nation state" to this core ("Latvia is the nation state of the Latvian nation," Clause 203). It stated that the Latvian nation state is a project of the Latvian nation only (Clause 196) and the state has no right to do anything that would "weaken the Latvian identity of Latvia" (Clause 318). The fact that most citizens rejected the amendment package on giving the Russian language the status of the second official language in the February referendum was interpreted as "confirmation of the national, Latvian nature of the Latvian state" (Clause 132).¹¹

On September 20, the Saeima rejected a proposal of the opposition Concord Center party to allow both non-citizens and citizens to present collective petitions to the Saeima.¹²

On September 26, the Saeima Commission on Social Cohesion rejected the idea of providing information about the naturalization process in English and Russian.¹³

- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

According to the Latvian Citizenship Law, non-citizens do not have voting rights, including in local government elections. As indicated above, permanent residents of Latvia who moved there from other Soviet republics between 1940 and 1989, and their descendants, became non-citizens in the 1990s.

Thus, the vast majority of ethnic non-Latvians whose native language was Russian became non-citizens.

- The legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.

The Latvian Citizenship Law and the Official Language Law of the LR actually legalize the radical nationalist ideology, since they are aimed at depriving an entire category of permanent residents of the country, who, for the most part, were born on its territory, of basic civil rights, as well as discriminating against minority languages, especially Russian, which is the native language of more than 40% of the population.

- Discriminatory practices against minorities in regard to registration, migration, business, employment, education, housing health care, worship, etc.

In Latvia, there is political discrimination against Russian-speaking residents, most of whom (about 300,000 people in the monitoring period) did not obtain Latvian citizenship, and thus were excluded from the political process.¹⁴ Less than 10% of public sector employees are Russian speakers, although the latter make up 40% of the population.¹⁵

There are two communities with an almost identical number of people, but Russian still remains a foreign language. The laws provide substantial fines for poor knowledge and use of the Latvian language, even in business.

In August 2012, the Latvian public organization For Equal Rights managed to collect the required number of notarized signatures to initiate the referendum procedure for automatically granting citizenship to local non-citizens.¹⁶ However, on November 1, the CEC, with six votes against two, voted down moving a draft law submitted by 12,700 citizens in September on granting Latvian citizenship in 2014 to non-citizens who wish to have it to the next level of signature collection. The CEC justified its decision by the “unconstitutional character” of the draft, although in this case, it was about eliminating discrimination against a major population group in the country. There are also reasons to suspect that the Commission failed to observe impartiality and succumbed to the influence of politicians, who declared that this referendum would be undesirable.¹⁷

CEC considered that the proposed amendments did not conform to Article 2 of the Latvian Constitution and the Declaration of Independence of May 4, 1990. Moreover, this dramatic expansion of the range of citizens would call into question the continuity of the Republic of Latvia.¹⁸

Art. 2 of the Latvian Constitution states that all “sovereign power in the State of Latvia belongs to the Latvian people,” with no distinction between citizens and non-citizens of the country.

As for the Declaration “On the Restoration of Independence of the Republic of Latvia,” passed by the Supreme Council of the Latvian SSR on May 4, 1990, it talked about restoration of the Republic of Latvia of 1918. On this basis, the judges ruled that only citizens of the pre-war Latvian Republic and their descendants could be citizens of the country.

Therefore, according to the judges’ logic, only representatives of this category of residents of the country, as well as those who have passed the naturalization procedure, belong to the “Latvian people.” Thus, claims against the content of the draft were mainly focused on the argument that mass granting of citizenship to non-citizens (people

who arrived in Latvia between 1940 and 1991 and their descendants) contradicts the doctrine of the continuity of the Republic of Latvia founded in 1918.

On February 28, the government passed amendments to the rules on expelling students from schools, allowing expulsion for regular violations of the Law on Education, in particular, the requirement to respect the Latvian language.¹⁹

On February 29, the National Center of Educational Content announced that this year, for the first time, that students of both Latvian schools and national minority schools would take the National Centralized Latvian Language Exam, which means discrimination against the latter,²⁰ as their level of knowledge cannot be compared with the level of knowledge of students whose native language is Latvian.

The response of the Government of Latvia of April 2 to the UN Human Rights Committee in the case “Reichman vs. Latvia” was published on April 24. The government stated that it would not change the law requiring the addition of Latvian endings to the names and surnames in official documents in the near future, despite the fact that back in 2010, the Committee found a violation of the right to privacy protection, and requested information on adherence to its decision before April 2011.²¹

In the middle of May, it became known that the State Language Center prohibited the announcement of stops on the way to the resort town of Jurmala in English.²² Furthermore, the State Language Center sought to remove signs with street names in two languages (Latvian and Russian) hung from several private homes during a protest.²³

On June 5, the State Language Center reported that it imposed close to the maximum fine (100 lats, or about 200 USD) on a resident of Liepaja for a bilingual sign on his house (in Latvian and Russian).²⁴

On November 4, the Municipal Police of Riga filed a case against residents of a house on Slokas Street, where the old street name written in Russian showed in the background of the street sign. If they do not paint it over within 3 months, the residents of the house will have to pay a fine of up to 50 lats.²⁵

On November 5, on the demand of the State Language Center, all booklets in Russian were removed from the lobby of the State Police building, although the Minister for the Interior, R. Kozlovskis (Reform Party) stated that he supported publishing informational materials in different languages.²⁶

On June 27, it became known that a teacher at the Naval Academy, G. Kuklis-Roshmanis, had been pressured in connection with his advocacy in favor of the Russian language and participation in the May 9 celebrations.²⁷

On September 21, it was learned that the Latvian government had not included non-citizens in the list of people covered by the new EU Directive on consular protection.²⁸

On November 27, an open letter from Ya. Pliner, Doctor of Pedagogy, (For Human Rights in United Latvia) to the Prime Minister was published, in which he stated that the new rules of the Cabinet of Ministers requiring non-Latvian school students to use only the official language in school competition put Russian students at a disadvantage compared to Latvian student. It was also noted that this year's introduction of identical requirements for the National Centralized Language Exam for graduates of Latvian and Russian schools had a negative impact on enrollment in budget-funded places in universities.²⁹

On December 10, it was learned that the results of Russian school students in Latvian language examinations after the introduction of studying in Latvian in grades 10–12 of public schools in 2004–2006 have not improved; while the introduction of identical requirements for proficiency in Latvian for graduates of all secondary schools in 2012, led to deterioration of results in Russian schools.³⁰

At the same time, Latvian politicians try to assure the population that the EU countries make no claims about discrimination in Latvia. On June 4, Speaker of the Saeima, S. Aboltinja (Unity), stated after the meeting with the Secretary General of the Council of Europe, Turbyorn Jagland, that he had made no accusations regarding observance of human rights in Latvia.³¹ However, on the same day Mr. Jagland specifically expressed his concern about the position of non-citizens.³² On July 24, the government approved a report on Latvia's implementation of the Framework Convention for the Protection of National Minorities. The report said nothing about many events, for example, failure to obey the decisions of the European Court of Human Rights on the pensions of non-citizens and the UN Committee on Human Rights on writing non-Latvian names in documents, but acknowledged that more than 40% (i.e., more than 120,000) non-citizens were born in Latvia, and that more than 90% of Latvian residents spoke Russian. On September 7, S. Aboltinja stated that non-citizens who did not know Latvian “never had a problem getting information here, or settling some kind of issue in municipalities or government agencies.”³³

On December 6, the Head of the Latvian Office of Citizenship and Migration Affairs (under the Ministry of Internal Affairs), Vilnis Jekabsons, noted in a television interview that the naturalization rate had decreased due to “circulation of rumors that non-citizens will be able to get citizenship automatically, that there will be two official languages in Latvia, etc. A lot of people are specifically waiting for this,” although according to the results of surveys conducted, among others, by the Office itself, only 17.2% of non-citizens have such expectations.³⁴

On December 27, an interview with the Latvian Ambassador in Estonia, K. Eihenbaums, was published, where he stated that the Latvian

Citizenship Law “is one of the most liberal,” while all those who came to Latvia “are given a chance to adapt and integrate.”³⁵

In 2012, the discriminatory practices of DNB-Banka, one of the leading banks in the country, which refused to open bank accounts for the For the Native Language party due to its pro-Russian orientation, became public. A case where the bank refused a loan to the owner of a successful company in Latvia due to her membership in the opposition Concord Center party also became known.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Discriminatory legislation affecting minorities residing in Latvia in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5
×	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin	-5
×	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication	-5
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5
	Total for section 1	-20

2. Xenophobia and hate speech of public authorities and the media

Xenophobia has an important place in domestic and foreign policy of modern Latvia. The main place is taken by Russophobia and anti-Russian rhetoric. At one time, former leader of the National Harmony Party, Janis Jurkans, very accurately described this phenomenon, its goals and objectives:

“It is sad,” he said, “but Latvia cannot offer anything else to the international community but its anti-Russian rhetoric and moaning about the occupation... It is noteworthy that even when they talk about the occupation, Latvian authorities speak only in the context of Russia. As

if it were the only one responsible for Yalta, and Potsdam. What about the allies of the USSR? It is clear that our government does not need any recognition of the occupation by the EU or by NATO. They just need to use history to settle scores with Russia. Why Russia specifically is also understandable. Latvian authorities need a permanent enemy, and Russia is the perfect choice for this. Russia is our only political resource. Both inside and outside the country. While there is the 'Russian enemy', while there is the 'occupation', everything can be justified by these factors. You can feed people on Russophobia, and then there is no need to answer to the voters for the high level of inflation, for corruption, etc... Russia as an enemy... is the perfect, and, sadly, the nationalists' only trump card."³⁶

The period under consideration gives us a number of examples of xenophobic rhetoric being used by public officials.

Xenophobic statements mainly concerned the position of the Russian language in Latvia. Statements and actions of public officials were aimed against the referendum on February 18, 2012, on giving the Russian language official status.

Thus, on January 5, the Prime Minister of Latvia, Valdis Dombrovskis, called for national minority organizations to "explain the constitutional foundations of the state to their members and vote against the Russian language."³⁷ On January 7, he called upon his supporters to come to the referendum and say "no." The Prime Minister arbitrarily linked the idea of the referendum with the name of the leader of the Concord Center party, N. Ushakov.³⁸

On January 14, the Speaker of the Saeima, Solvita Aboltinja (Unity) compared the referendum on the Russian language to an attempt to approve the occupation: "It is quite clear that 20 years after the restoration of independence, this referendum is an attempt to approve the consequences of the occupation. This is the same thing as approving the legitimacy of the occupation itself! We can see this! That is why there is nothing more important today than to cut off the possibility of declarations against our country and our people at the root!" she said.³⁹

At the beginning of January, deputies of the radical nationalist National Alliance filed a claim in the Constitutional court with a demand to suspend the referendum for an indefinite period, as in their opinion, it undermined the constitutional foundations of the state. This move was later supported by the Unity party (the claim was signed by a total of 30 Saeima deputies).⁴⁰

On January 12, an MP from the National Alliance, Janis Dombrova, stated that "the referendum is supported by criminals."⁴¹

On January 15, Saeima deputy Ina Druviete (Unity) stated that the equal use of two languages in Latvia was impossible. She also noted

that, in her opinion, “the main barrier is the excessive tolerance of Latvians to the non-use of the official language.”⁴² On March 1, Ms. Druviete stated on the “Dienas rīts” show that non-Latvians did not wish to study Latvian, in the hopes that Russian would be made the second official language.⁴³

On January 20, the National Alliance leader, Raivis Dzintars, called on Latvians to “protect the independence of Latvia, the official language and the honor of our ancestors!” At the same time, Solvita Āboltiņa urged to vote against the Russian language to “confirm your belonging to the Latvian state.”⁴⁴

On February 8, it became known that the Head of the Catholic Church of Latvia, Archbishop, Metropolitan of Riga of the Latvian Catholic Church, Zbigneŭ Stankevich, despite the recognition that the church may use any language, not only urged people to vote against the Russian language, which in itself is interference of the church in politics, but also replied negatively (!) to a reporter’s question “Isn’t it the same to the Lord, whether you are Latvian or Russian?” He added: “One cannot introduce leveling and make all nations equal.”⁴⁵

On February 13, National Alliance leaders R. Dzintars and G. Berzins stated that the referendum “must become an unwritten agreement that the ultimate goal of the country’s development is a Latvian Latvia.”⁴⁶

On February 14, former Minister of Foreign Affairs, and currently an advisor to Member of the European Parliament (MEP) K. Shadurskis (Unity), G.-V. Kristovskis (Unity), urged people to “carry out their duty to their only state, when life and responsibilities require it, and go to the barricades on February 18.”⁴⁷

On February 14, the former President of Latvia, V. Vike-Freiberga, stated that the referendum was being conducted “in order to destabilize the Latvian state and do harm.”⁴⁸

On February 18, a deputy of the radical nationalist party All for Latvia! (National Alliance), I. Paradnieks, commented on the referendum results, that “we should take immediate steps to integrate non-Latvians. As for the people who don’t feel good in Latvia and whose goal is Russia, we must help them change their place of residence.” He proposed to introduce Latvian as the only language in schools for national minorities. Paradnieks also stated that “the results of the referendum are a clear mandate of the people for a Latvian Latvia.”⁴⁹

On February 19, Prime Minister Dombrovskis (Union) rejected the idea of Russian as a regional language.⁵⁰ He was also joined by ombudsman J. Jansons, who stated on February 22 that people already could handle their issues with municipalities in Russian.⁵¹ On March 12, J. Jansons noted that “the majority voted in favor of one official language, and in my opinion, this issue can be closed.”⁵²

On March 2, I. Krishkijane, a representative of the State Language Center in the city of Daugavpils, where the majority of the population is Russian-speaking, expressed an “iron conviction” in the newspaper “Diena” that it was inadmissible to give the Russian language regional status, as this would lead to discrimination (!) against the Latvian-speaking population.⁵³

On April 5, the Minister of Defense, Artis Pabriks (Unity), and on April 18, the Head of the Medical Association, Peteris Apinis, opposed the introduction of the requirement to translate instructions for medicines sold in pharmacies into Russian.⁵⁴

On May 9, it became known that Saeima deputy K. Kreslins (National Alliance) had been excluded from Democratic Patriots society and criticized by R. Dzintars for giving an interview to a Latvian newspaper in *Russian*.⁵⁵

In an interview with a Russian TV program on May 9, the editor-in-chief of the daily newspaper Neatkarīga Rīta Avīze, A. Daukshte, declared that Latvian society would be ready to respect the people who celebrate May 9, “when the issues concerning the second official language will not be raised,” which, in her opinion, infringe on something that is sacred for Latvian people, their language.⁵⁶

In an interview with the newspaper Latvijas Avīze on June 5, the Head of the Vilani Hospital and former deputy, Juris Vidins (Unity), said he viewed “voting for giving the Russian language the same status as Latvian as ‘a display of Russian chauvinism.’”

He also stated that he would not treat “Russian chauvinists,” who demanded that he speak Russian with them.

On September 5, Riga City Council deputies from the Unity party accused the mayor of the capital, N. Ushakov, of violating the Official Language Law for addressing the audience in Russian at the Day of Knowledge celebration at a Russian school, on September 3.⁵⁷

On September 7, Saeima deputy V. Porinja (National Alliance) urged a move to education to Latvian only, and declared that students from a national minority school confirmed their disloyalty by May 9 celebrations at the Victory Monument, in which more and more youth participate every year. “These young people identify themselves not with Latvia and its main state values, but with another country,” she said.⁵⁸

In an interview with the daily newspaper Latvijas Avīze on November 22, Riga City Council deputy, Lutheran pastor J. Smits (Honor to Serve Riga party) stated that activists who campaigned in favor of the referendum on the Russian language as a second official language (according to the pastor, they were conducting “anti-state activity”) should be “put on a plane or a bus and driven to the border (with Russia).”⁵⁹

On December 30, Saeima deputy V. Porinja (National Alliance) stated that Latvians, and most of all, officials, demonstrate subordination when they speak to Russian-language media in Russian. “In Latvia, there is no expressed tendency of domination of the Latvian language, and that is why we cannot encourage the study of Russian,” she noted.⁶⁰

Another story that was actively used by nationalist politicians was the requirement to transfer kindergartens in Riga to the Latvian language. On February 23, the Unity and National Alliance factions in the Riga City Council urged that education in all public kindergartens be transferred to the Latvian language.⁶¹ On March 15, the Chairman of the Saeima Committee on Education, I. Druviete (Unity), said that it would be possible to transfer pre-school education to the “single basis” starting in 2013.⁶²

On May 30, the Unity faction urged the creation of an environment in kindergartens that would facilitate learning of the official language in order to strengthen the Latvian language and facilitate integration. Russian kindergartens were accused of “Russification of other minorities — Poles, Jews, Roma, Estonians and Lithuanians,” and that this integration on the basis of Russian language and culture was unconstitutional.⁶³

On September 10, Riga City Council deputy O. Pulks (Unity) called for “language immersion” starting from kindergarten, with all “life” of a kindergarten being in Latvian at least two days per week, and ended the article on an angry note: “There are Russian schools in Tambov, Ryazan and Arkhangelsk. There are no Russian schools in Latvia!”⁶⁴

On November 29, Saeima deputy J. Dombrova said on Twitter that “given the fact that the birth rate is much higher among Latvians than among national minorities, there is no reason to keep Russian kindergartens.”⁶⁵

Far-right politicians aimed invectives against celebrating of Victory Day over Nazism on May 9. Thus, at a meeting of the parliamentary subcommittee on Patriotic Education on March 6, its chairman, R. Dzintars (National Alliance), expressed his concern over the number of young people coming to the Monument to the Liberators on May 9. According to Dzintars, celebration of the Victory Day is an anti-state event, while mass participation of youth in it is caused by insufficient patriotic education in schools.

Later, at a meeting of the Committee on Implementation of the Citizenship Law, a deputy from the same alliance, I. Murniece, said that May 9 was also being celebrated by former officers of NKVD and SMERSH,* who had committed war crimes against civilians.⁶⁶ Commenting on the story about when activists of his party appeared in a kindergarten in Riga at a lesson of patriotic education wearing SS le-

* State security authorities and counter-intelligence in the Stalin era — *editor's note.*

gionary uniforms,* deputy I. Paradnieks (National Alliance) stated on May 12 that the deactivated weapons could not be called weapons, and that the stir was raised by “the Kremlin media to divert attention from drunken and festooned with medals people on May 9 who degrade the environment.”⁶⁷

There were also homophobic statements from the authorities. On March 1, the Chairman of the Safety and Order Committee of the Riga City Council, D. Turlais (Concord Center), said that he considered marches of sexual minorities unacceptable (one such procession was announced for June 2).⁶⁸ On March 15, Riga City Council deputy J. Smits (First Party of Latvia) said that he was working on amendments to city regulations on prohibiting propaganda about homosexuality.⁶⁹

Ombudsman J. Jansons, in his interview on March 12 to the question of what to do if the majority does not want to see gay parades in the city center, but the activists do not agree to hold their meetings in the suburbs, said: “In our conservative society, these events are unlikely to become a common holiday, so let the pride organizers decide who they are organizing it for. If for themselves, then the scale should be appropriate. Riga City Council has to find a compromise solution by selecting suitable locations for pride participants, taking into account the interests of society.”⁷⁰ Typically, the Latvian ombudsman does not hold the same opinion about the annual marches of Waffen-SS veterans in the center of Riga on March 16.

On April 19, the Committee on Safety, Public Order and Corruption Prevention and Riga City Council, headed by D. Turlais, claimed there was no discrimination against sexual minorities in Latvia, and in the same document urged sexual minority organizations to give up their planned event in the city center, while asking the mayor of the city to use his power to protect morality.⁷¹

Later it also became known that the Committee had prepared draft amendments to public order regulations proposing to ban the “propaganda of homosexuality,” but Council lawyers considered these amendments unconstitutional.⁷²

On May 30, Riga City Council deputy J. Smits said in a televised debate that the march in support of sexual minorities planned for June “is an anti-state event, as it promotes ideas that are in conflict with the Constitution.”⁷³

* In May 2012, the website of the Latvian-language kindergarten Pucite (“Little Owl”) published video footage of a patriotic education class for 3-4-year-olds. The class was conducted by representatives of the Latvian Soldier association, Ivo Lembergs and Normund Erums, who wore uniforms of Waffen-SS legionnaires. During the class, the children were shown grenades, pistols, assault rifles and a machine gun used by SS legionnaires during World War II. The children were also told about the “valiant heroes of the Latvian Legion (SS), who fought for the independence of Latvia” — *editor’s note*.

On December 10, former Minister of Justice, Saeima deputy G. Berzins (National Alliance) stated that “the government and the Saeima have taken a step against the traditional institution of marriage by allowing relations incomprehensible for Latvian people, including between persons of the same sex,” as the government did not object to the idea of unified management of partnership relations at the EU level.⁷⁴

A number of xenophobic statements were related to the issue of restitution of Jewish property lost during the Second World War. On June 19, the National Alliance stated that it did not politically support reviewing the process of denationalization in favor of one ethnic group. On June 21, one of the authors of legislation on denationalization in the 1990s, lawyer and former deputy A. Grutups said, referring to the Jews, that demands for restitution were the manifestation of greed and shamelessness of certain individuals.⁷⁵

Another subject of xenophobic statements was the referendum to simplify the naturalization process for non-citizens. On April 24 and June 12, President A. Berzins spoke against expanding the rights of non-citizens.⁷⁶

On January 12, a deputy from the radical nationalists in the Saeima, Imants Paradnieks, said that “collecting signatures in support of a referendum on citizenship is an impudent provocation,”⁷⁷ and called for “protecting the state against such stunts.” On January 16, he referred to the referendum question as absurd and called on the government to eliminate the possibility of holding such events.⁷⁸

On May 8, 2012, in connection with the collection of signatures for granting Latvian citizenship to non-citizens going on at that time, the Minister of Justice G. Berzins (National Alliance) said that notaries had no right to certify signatures on the unconstitutional draft laws and called upon all officials to show their loyalty.⁷⁹

On May 30, in response to the call to expand the rights of non-citizens, Saeima deputy J. Dombrova (National Alliance) said that non-citizens were Soviet migrants who were living in Latvia illegally.⁸⁰

On September 4, activist of the National Alliance and former minister A. Kiršteins stated that non-citizens lived in Latvia thanks to its good will, and could be expelled by changing the law. In a televised debate on September 6, he stated that in order to receive Latvian citizenship, people must be required to recognize the illegitimacy of everything the Soviet Union had done in Latvia, and that the only option for non-Latvians who remained in Latvia was assimilation.⁸¹

On September 12, Minister of Defense A. Pabriks wrote in an article in the daily newspaper *Latvijas Avīze* about the referendum on giving citizenship to non-citizens who want it: “This is a referendum about the foundations of the state, and those who undermine it enjoy a broad

range of democratic rights that exist in Latvia to fight against the state and democracy... to make Latvia an internally weak, ethnically fragmented country, and its society a society that does not truly identify itself with Europe.” He declared that “a positive outcome of the referendum would impose a political identity unacceptable to these people.”

He described non-citizens as “300,000 Soviet-era immigrants permanently living in Latvia.”⁸²

In an article in *Latvijas Avīze* on September 14, A. Endzinsh, who at the time of the restoration of independence was the Chairman of the Parliamentary Legal Committee, said that a “deliberate policy” of changing the ethnic composition of the population had been conducted in Soviet times, and he referred to the fact that “in the late 80s the main nation — Latvians — made up only 52%, and this proportion could be a threat to Latvia on its way to independence and empowerment.” He then clarified that automatic granting of citizenship “would actually be a threat to the existence of Latvia as a nation state,” and declared that the referendum would “impose nationality” on non-citizens. To the question on whether the threat still exists, Endzinsh answered: “Although the situation of the main nation has improved, I wouldn’t say that these changes are convincing and irreversible.”⁸³

In an issue of the newspaper DDD of September 21, deputy I. Paradnieks stated that the referendum on non-citizens was initiated by “the ambassadors of the fifth column — naturalized colonists.”⁸⁴

In an interview with the daily newspaper *Latvijas Avīze* on September 19, E. Veidemane, deputy editor of the daily newspaper *Neatkarīgā* and former editor of *Atmoda*, the newspaper of the Popular Front of Latvia (PFL), which brought the country to independence in 1991, said this about the people who came to Latvia during Soviet times: “They did not understand where they were and where they had arrived, and today the migrants’ grandchildren are making anti-Latvian video clips, yelling about rights, cursing Latvianness, demanding Russian as the second official language, and that they be granted citizenship. I do not understand at all how we can talk about some made-up ‘issue of non-citizens.’ There is no issue! There is only a formless crowd of migrants and their descendants, who live according to the principle of ‘our homeland is where it’s best to live.’ and wish to be simply granted citizenship.” Veidemane also declared that the PFL did not promise citizenship to everyone.⁸⁵

Human Rights Commissioner J. Jansons said on November 2 that citizenship was not a Christmas discount to which everyone was entitled, and people had to desire it with all their heart to gain citizenship. He intimidated the audience with the fact that many non-citizens allegedly registered Russian citizenship and concealed it from the state, and the automatic granting of Latvian citizenship would supposedly lead to criticism from European human rights organizations.⁸⁶

Riga City Council deputy J. Skuja (Democratic Patriots) said on November 1 that the amendments were a threat to Latvian statehood. “The threat is that if we give citizenship to all of those who wish it, we may see a very large number of new citizens, who may decide to change the course or the foundation of the Latvian state,” the deputy said.⁸⁷ A representative of the National Alliance J. Dobelis demagogically stated on the same day that “every non-citizen in Latvia has the opportunity to become a citizen by meeting certain requirements,”⁸⁸ “forgetting” about the fact that Article 11 of the Citizenship Law listed 8 conditions that exclude the possibility of naturalization.

On November 2, the same J. Skuja demanded that those who act against the “foundations of the Latvian state” be stripped of citizenship, and personally named as an example the Mayor of Riga, N. Ushakov, who had voted for Russian as the second official language in the referendum. According to the politician, all (over 270,000) citizens who voted at the referendum in February 2012 for the Russian language in Latvia could be stripped of citizenship.⁸⁹

In early November, the daily newspaper *Latvijas Avīze*, which is the mouthpiece of the radical nationalists, published a series of materials in support of the decision of CEC to reject the initiative for a referendum on the draft law granting Latvian citizenship in 2014 to all non-citizens who want it. In these articles, supporters of the referendum aimed at eliminating discrimination in the country on the grounds of national origin, were called “enemies of the state,” “destroyers of Latvia,” “provocateurs who empty the state treasury.”⁹⁰

On April 2, a number of newspapers ran an advertisement from public activist Ivar Slutsis, previously excluded from the governing Civil Union party (now joined with Unity) calling for half a million Russians to leave Latvia.⁹¹

On November 2, *Latvijas Avīze* ran a paid publication by A. Slutsis, who was proposing, in the context of “eliminating the consequences of the occupation,” to give citizenship only to those Russian-speaking residents and their descendants who had lived in Latvia before 1939. “Ten percent can stay if they are loyal to the country and are useful to it. All the rest should leave,” Slutsis wrote.⁹² In the weekly newspaper *The Baltic Times* on December 12, A. Slutsis published an appeal to the U.S. Ambassador Mark Pekala, in which he claimed that the United States lied in calling Russians the minority in Latvia. He also called Russians in Latvia “colonists and occupiers.” He declared that most Russians “are taught from birth to dislike Latvians, that Latvia is part of Russia, and the independence of 1918 was a mistake.” Slutsis criticized the former U.S. Ambassador by saying: “in reality, the United States had two Ambassadors to Russia — one in Moscow and one in Riga — and none to Latvia.” He also said that Pekala was

“following in his steps” and urged Washington to appoint a new ambassador.⁹³

On November 16, poet and former Ambassador to Russia, J. Peters, said in an interview with the daily newspaper *Neatkarīgā* “Latvians are not the kind of people who can accommodate a large number of aliens in its land with a mentality that’s far different from Latvian. This is not racism. We were silent when thousands of white migrants came here, and yet sat on my toilet and washed themselves in my bathtub, but what can we say or hope for, when completely different people come here and stay forever? In the times when crowds of migrants came to Latvia, Latvian families had to move and live in cramped conditions in order to make communal cells out of normal apartments.”⁹⁴

On November 21, A. Litse published an article in *Latvijas Avīze*, where he spoke about “thousands of aliens living in Latvia, who call themselves Russian-speaking, still don’t speak the official language and live as if they were on enemy territory.”⁹⁵

On December 3, the portal www.delfi.lv published an article by G. Priede addressing the topic of mass non-citizenship. “If Latvia had adopted the “zero” citizenship option in 1991, today it would be neither an EU nor NATO member. Latvia would be part of the CIS brotherhood of countries, under the care and patronizing dictatorship of “big brother,” he wrote demagogically, depicting Russian-speaking people as “those who run around drunk in Zadvinje on May 9 in tracksuits with the word “Russia” on the back and waving the flag of the Soviet Union, while trying to swallow another piece of kebab after drinking 50 grams of vodka ‘for the grandfathers.’”⁹⁶

Along with this, on January 5 it became known that ombudsman Juris Jansons, in response to a complaint recently received from a non-citizen, said that “differences in the scope of rights of citizens and non-citizens of Latvia cannot be considered discrimination.” He also said that the large number of people who still wanted to keep their non-citizen status was proof that they considered the scope of rights available to them sufficient. If we entitle non-citizens to vote in local elections, then they may lose their motivation to become citizens altogether, the ombudsman wrote.⁹⁷

In an interview with the local edition of *Playboy* magazine on January 8, Member of the European Parliament Krisjanis Karins (Unity) made a proposal to assimilate the Russian-speaking population of Latvia.⁹⁸

On February 21, S. Elerte, the former Minister of Culture and main author of the integration program (Unity), and later advisor to the Prime Minister, said that Latvians should speak only Latvian with Latvian residents. She based this opinion on the fact that Latvian was not the dominant language in the public environment and this was necessary to “prevent discrimination against Latvians in the labor market.”⁹⁹

On March 1, she urged politicians not to talk to the media in Russian.¹⁰⁰ On November 26, Elerte, who was now running for Mayor of Riga, said that she was planning to “return Riga to Latvia.”¹⁰¹

In an interview with the daily *Latvijas Avīze* on July 24, the Chairman of the Saeima Committee on Human Rights, I. Murniece (National Alliance), spoke about the alleged discrimination in the labor market... against Latvians due to their lack of knowledge of Russian.¹⁰²

On July 30, the Minister of Justice, J. Bordans (National Alliance), requested an explanation from the Register of Enterprises regarding the legitimacy of registering the For the Native Language party (the party that initiated the referendum on making Russian the second official language), declaring that it was illegal to register parties hostile to the state.¹⁰³

In interview with DDD on September 7 and 21, Minister of Justice J. Bordans declared his unwillingness to work as a lawyer with clients who did not speak Latvian. He also noted that “every time, in any place when I do not speak Latvian in Latvia, I betray my people and my language.” To the arguments of the journalist (citing unnamed anthropologists) that “if the proportion of the nation on its own territory falls below 75%, it no longer develops, and is, in fact, under threat,” he replied that “if scientists say so, then it’s a fact.”¹⁰⁴

On November 28, Chairman of the Saeima Commission on Social Cohesion I. Latkovskis (National Alliance) published an article on the cultural canon of Latvia, where he wrote: “To integrate means to become creatively involved in the age-old tradition of Latvian culture, rather than just demand rights to reproduce their part of Russia here,” thus, actually demanding forced assimilation of the Russian-speaking population.¹⁰⁵

On November 1, the daily newspaper *Latvijas Avīze* reprinted an article by F. Gordon from the newspaper *Laiks/Brīvā Latvija* entitled “Communism is Comparable to Nazism. Full Stop,” where Jews were repeatedly named with the word “žīdi”, which perceived by most present-day Jews in Latvia as offensive.¹⁰⁶

On November 27, V. Krustins published an article in the newspaper *Latvijas Avīze* attacking the newly formed Non-Citizens’ Congress and accusing non-citizen committees of attempts to establish parallel power.¹⁰⁷

On December 19, board member of the National Alliance party All for Latvia! J. Iesalnieks, commenting on the draft bill introduced by the Reform Party that any employee was entitled to receive a day off of his choice on one of the 5 holidays of traditional religious denominations in Latvia (Epiphany (January 6), Orthodox Christmas (January 7), Ascension Day (August 15), Yom Kippur or the Day of Reformation (October 31)), said in his tweet that the Reform Party together with oppo-

sition wanted to “get a Christmas day off for Moscow Orthodox Christians through the back door.” To a journalist from the First Baltic Channel who asked what other calendars Orthodox Christians used to celebrate Christmas, he replied: “Go back to your Homeland and celebrate whatever holidays you like.”¹⁰⁸

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Xenophobia and inflammatory statements of the authorities and the media	-5
	Total for section 2	-5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist and anti-extremist legislation, and legislation directed against incitement of ethnic and religious hatred in the country.

Article 114 of the Constitution of Latvia (Satversme) stipulated that persons belonging to national minorities have the right to preserve and develop their language, ethnic and cultural identity. At the same time, traditionally in Latvia only citizens are treated as national minorities. Non-citizens remain outside of the official statistics. In 2005, Latvia ratified the Framework Convention for the Protection of National Minorities, which it had signed back in 1995, with reservations, which basically eviscerated its entire contents (see Section 14, Chapter “Latvia”).

In the Criminal Law of Latvia, the following articles are dedicated to fighting xenophobia and extremism: Art. 78 (“Violation of national and racial equality, restriction of human rights”) and Art. 79 (“Destruction of cultural and national heritage”).

Currently, Article 78 of the Criminal Law for acts deliberately aimed at inciting national, ethnic or racial hatred or discord stipulated punishment by imprisonment for a term of up to three years, or compulsory labor, or a fine of up to 60 minimum wages (12,000 Lat, or about 24,000 USD).

If the same acts are connected with the use of violence, threats or fraud, or carried out by a group of people or an official, by the responsible person of a company or an organization, or with the use of automated data registry systems, are punishable by imprisonment for a

term of up to ten years. This provision also applies to spreading illegal information aimed at inciting national, ethnic or racial hatred or discord on the Internet in Latvia.

Article 10 of the Law on Meetings, Street Processions and Pickets includes a ban on inciting ethnic and racial hatred, as well as promotion of Nazism, fascism or Communism. In turn, Article 11 of the Law bans the use of flags, emblems, anthems and symbols of the USSR, Latvian SSR and Nazi Germany, as well as their stylized images.

Article 99 of the Constitution and the Law on Religious Organizations proclaim separation of church and state, and the right to practice any religion and to establish religious organizations. There is no official religion in Latvia.

Despite the fact that the EU Council Directive 2000/43/EU on implementing the principle of equal treatment regardless of race or ethnicity came into effect on June 29, 2000, in Latvia, unlike, in Lithuania and Estonia, for example no separate law on equal opportunities or equal treatment was passed upon entering the European Union.

Latvia preferred to include provisions prohibiting discrimination in a whole range of old laws, separately for each area (Labor Law, Consumer Rights Protection Law, etc.)

- Presence and improvement of anti-discriminatory legislation.

Latvia is a European Union country, so to a large extent, its anti-discrimination legislation has been brought to compliance with European standards.

The discrepancy is that, while being developed in considerable detail, it comes into obvious conflict with other laws that are openly discriminatory. In some cases, when Latvian legislators had to make a choice between the requirements of the European institutions and their own policies regarding minorities (as, for example, in 2005, when Latvia ratified the Framework Convention for the Protection of National Minorities), the legislators always stood on the side of their own policy. Thus, there are well developed anti-discrimination laws in the country, which, nevertheless, are being used with significant limitations.

Article 91 of the Constitution contains a general provision on equality, which stipulates that all persons in Latvia are equal before the law and court, and human rights must be respected without any kind of discrimination. This principle is mentioned in a number of laws. The Law on Free Development and the Right to Cultural Autonomy of Latvian National and Ethnic Groups guarantees equal rights to all residents of Latvia, irrespective of their ethnic origin.

Part 2, Art. 4, of the Law on Judicial Power stipulates that decisions shall be made by a court regardless of a person's origin, ethnicity, religion and other affiliation.

Art. 7 of the Labor Law stipulates that everyone has equal rights to employment and to fair compensation for work. The article contains a prohibition on direct or indirect discrimination on account of race, ethnicity of a person, religious affiliation, political beliefs, gender, age, disability, etc. This principle is also included in the Law on State Civil Service. It is important that Latvian Labor Law prohibits not only direct and indirect discrimination, but also contains a ban on insulting dignity and *instruction* to discriminate.

The Law on Social Security contains Article 2, which prohibits discrimination based on a persons' race and ethnic origin.

Art. 3 of the Law on Education guarantees the right to receive education for all residents of the country, including non-citizens.

Anti-discrimination provisions are also included in the laws "On Advertising" and "On Protection of Consumer Rights." Latvian legislation does not explicitly prohibit discrimination on the basis of language, but, as noted by the Constitutional Court of the country in 2005, language is one of the "other circumstances," according to which discrimination is unacceptable.¹⁰⁹

However, Latvian legislation does not stipulate criminal liability for making insulting remarks against certain social groups.

On November 29, 2012, a new Law banning discrimination against individuals conducting business was passed in fulfillment of the EU requirements. The law introduced a ban on discrimination on the grounds of religious belief, age, disability or sexual orientation.¹¹⁰

Nevertheless, the main problem of Latvian legislation, regardless of declarations, is still the actual lack of a ban on discrimination based on nationality.

- Compliance with anti-Nazi, anti-racist and anti-extremist legislation by the authorities (central, regional, municipal), law enforcement and judiciary, as well as their compliance with legislation directed against incitement of ethnic and religious hate.

Given the controversial nature of Latvian anti-discrimination legislation, its enforcement remained in 2012 no less controversial.

Thus, on January 20, the Constitutional Court of the LR, headed by Chairman Gunnar Kutris, held that the demands of nationalist deputies to suspend the referendum on the Russian language did not have sufficient arguments and on those grounds dismissed it.¹¹¹ As a result, the referendum took place. On the other hand, on November 1, the Central Election Committee of the LR refused to hold the second stage of signature collection in favor of a draft providing for the zero citizenship option. Thus, the referendum was disrupted.

On February 22, the Concord Center faction in the Saeima made a proposal to make Orthodox Christmas a day off. President A. Berzins supported this idea,¹¹² but in the end the draft was not passed, al-

though it was completely in accord with Art. 99 of the Constitution and the Law on Religious Organizations.

Nevertheless, certain actions of the authorities suggest that the political will to comply with anti-discrimination laws is still present.

On February 23, Zatlers' Reform Party did not support a proposal from Unity and the National Alliance to transfer all kindergartens to the Latvian language. Its representative, V. Makarov, called this proposal a provocation and said that it had no support either in the Duma, or in the Saeima.¹¹³

On November 22, Parliament rejected a proposal by the National Alliance to prohibit people whose language skills in Latvian were below the highest of all six levels from running for parliamentary elections.¹¹⁴

On November 29, Head of Security Police J. Reiniks said that his department was summarizing materials to seek to ban a number of right-wing and paramilitary organizations.¹¹⁵ However, so far none of the radical nationalist organizations of Latvia (see below), except for the openly terrorist and Neo-Nazi Pērkonkrusts, have been banned.

On September 25, the court dismissed a suit of I. Paradnieks and R. Dzintars, the leaders of the All for Latvia! party (AL!), which is part of the National Alliance, against the former minister A. Stokenberg (Unity), who labeled some of the deputies as being "on the verge" of extremism.¹¹⁶

On December 5, an Administrative District Court verdict came into effect that directed the Citizenship and Migration Affairs Office, at the request of the applicant, to write the Latin transliteration of his middle name into his passport.¹¹⁷

On April 17, after an appeal from Israeli Ambassador H. Ben-Yakov, the National Council for Electronic Media suspended broadcasting of an anti-Semitic show of R. Klimovic "The Homeland Epoch."¹¹⁸ However, everything ended on May 17... with a verbal reprimand.¹¹⁹

On the other hand, on April 26, at the request of the National Alliance, the National Council for Electronic Media fined the state broadcaster LTV for non-compliance with the principle of diversity of opinion in a news spot in Russian on March 14. The spot included the opinion of the organization Social Block, which viewed the SS legionnaires as criminals and butchers, and connected respectful comments of President A. Berzins about veterans of the Latvian SS Legion on March 16 with the revival of Nazism.¹²⁰

On December 6, the Security Police (under the Ministry of Internal Affairs) conducted searches in the houses of For the Native Language party leaders, V. Linderman, J. Osipov and I. Girs, as part of the case involving calls to destroy the territorial integrity of Latvia by founding an autonomy in Latgale (in the east of the country).¹²¹

Thus, it can be stated that compliance with anti-racist and anti-extremist laws, laws against inciting ethnic and religious hatred in the

country, and anti-discrimination laws is selective and partial, as is their development.

- The fight against hate crimes (criminal cases against the organizers and participants; guilty verdicts).

Unfortunately, we have to say that Latvian authorities fight xenophobia and extremism quite selectively. According to reports given by the Head of the Security Police J. Reiniks on November 7, in 8 years, the SP initiated 93 criminal trials for racial and ethnic crimes. As many as 20 cases were subsequently closed, and the police refused to initiate criminal proceeding for another 103 cases.¹²²

In 2012, the Security Police initiated 58 criminal cases, including 18 for inciting national and racial hatred, 2 for glorifying genocide, 1 for desecrating the Latvian flag, and 1 for calls to violate the territorial integrity of the Republic of Latvia. According to experts, a number of criminal cases were opened wrongfully. For example, calls to violate the territorial integrity of Latvia were actually a public discussion about the autonomy of one of the regions of Latvia — Latgale.

Unfortunately, in some cases, the Security Police preferred to turn a blind eye to xenophobic statements and actions (V. Karinsh on February 1,¹²³ A. Grutups, April 17,¹²⁴ calls for demolishing the monument to soldier-liberators in Riga on May 8,¹²⁵ defilers of the wreath laid by anti-fascists on March 16 at the Freedom Monument on July 15, authors of anonymous letters containing threats against politicians and human rights activists on July 20,¹²⁶ Uldis Freimanis, notorious for his public calls to eliminate Jews on live Latvian TV broadcasts, declarations of intent “to arrange a second Holocaust in 2012,” shoot all the anti-fascists and blow up the monument to the Liberators of Riga¹²⁷).

The majority of criminal cases on inciting ethnic and racial hatred were initiated against people who expressed extremist views on the Internet directed against members of a particular nationality.

One of the most significant and important was the criminal case initiated in October 2012 by the Security Police under Article 233, Part 2 of the Criminal Law, against the Chairman of the Gustav Tselminsh Center society (GTC), I. Shishkins. During an authorized search of his home, police found and confiscated firearms, ammunition and explosives. Efforts of GTC members to develop cooperation with similar radical nationalist organizations in other countries were also ascertained in its actions.

On March 15, 2012, the Riga Regional Court sentenced two skinheads to suspended sentences, and a third to compulsory labor for desecrating a Jewish cemetery in 2010.¹²⁸

In addition, according to an Amnesty International report, the laws on hate crimes did not apply to lesbian, gay, bisexual, transgender and intersex persons, or to persons with disabilities and victims of gender-

based violence. Criminal legislation only penalized incitement to racial, ethnic and religious hatred, and only admitted racial motivation as an aggravating circumstance.

- Misuse of anti-extremist laws.

According to experts, several criminal cases against human rights activists were opened wrongfully in 2012.

For example, in July 2012, the Security Police initiated a criminal case against journalist Aleksander Gilman for his article about deportation of residents of the republic in 1940s. The case was initiated under Article of the Criminal Law of the Republic of Latvia, “On public praise, justification or denial of genocide and crimes against humanity.”

Gilman’s article “Myths of June 14”¹²⁹ was published at the beginning of June on the IMHOClub portal, and later in the newspaper Chas. In it, the publicist (who himself has the status of a former political prisoner), among other things, states that life in exile in Siberia “was not as tragic as it is usually represented.”

“Almost all of the friends of my deceased parents were with them in Siberia. They often came to visit us and reminisced about those years, just as we reminisce about working in construction brigades, going on hiking trips and summer work on collective farms: a lot of youth living in one bunk house, falling in love, parties, funny events — not an exile, but a pleasure trip in the open air,” the author wrote. He also said that citizens were exiled randomly, and that this process was not directed against the “elite of the nation.”

Gilman also called claims that Latvians were allegedly deported by Jews a “myth.” “All of my relatives were deported by Latvians who were young men from the Working Guard. People were given several hours to pack. No one was particularly rude, on the contrary, they gave useful advice,” he said in the article.

The Saeima Subcommittee on Patriotic Education, headed by Raivis Dzintars, a deputy from the nationalist bloc VL—TB/LNNK (All for Latvia! — For Fatherland and Freedom/Movement for the National Independence of Latvia), filed a complaint with the police regarding this material. He called Gilman’s statements a “slap in the face” of all former political prisoners.¹³⁰

In December 2012, the Security Police of Latvia started criminal proceedings against Vladimir Linderman in connection with his statements about the need to declare an autonomy of Latgale. V. Linderman, who has the status of a non-citizen, is the leader of the party For the Native Language, which initiated a referendum on the status of Russian as the second official language.

Thus, it appears that in many cases of actual incitement to ethnic hatred and violence, such as in the aforementioned episode with U.

Freimanis, who publicly called for elimination of Jews and anti-fascists, the Security Police did not see the constituent elements of a crime. And yet, Latvian law enforcement authorities initiated criminal cases against activists of opposition movements and groups, and just human rights activists, without sufficient evidence, which inadvertently suggests settling scores with political opponents of the regime.

In general, according to the official report of the Security Police of Latvia, the focus of this law enforcement agency in 2012 was on fighting the movement of Russian compatriots abroad who support the Russian government, at counteracting fighters for the rights of non-citizens, activists of the movement for the Russian language and dissidents as a whole.¹³¹ Cases of legal prosecution of actual extremists, as was the case with I. Shishkins, are more the exception than the rule.

However, it was not just the Security Police that wrongfully applied anti-extremist laws. In March 2012, the Ministry of Foreign Affairs of Latvia denied entry to Russian historians Aleksander Dyukov and Vladimir Simindey, who planned to come to Riga open their exhibit “The Deported Childhood” about the destiny of orphans deported by Nazis from Russia and Belorussia to Latvia. The exhibition told about the lives of those children during the war and after it up to the present time. Nevertheless, the MFA of Latvia stated that the reasons for denying entry were different.¹³²

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-Nazi, anti-racist and anti-extremism legislation, legislation against incitement ethnic and religious hatred in the country	5
-/×	Presence of anti-discrimination legislation	2.5
×	Compliance of the authorities (central regional, municipal), the law enforcement and judiciary, with anti-Nazi, anti-racist and anti-extremist legislation. Compliance with anti-discriminatory legislation and legislation directed against the incitement of ethnic and religious hatred	5
×	Counter-actions against hate crimes (criminal cases against organisers and participants, convictions)	5
×	Unlawful use of anti-Nazi, anti-discrimination and anti-extremist legislation	-5
	Total for section 3	12.5

4. Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

A number of statements of the ruling elite against xenophobia and discrimination were noted. However, these statements were rather careful, and in many cases were a response to the constant pressure from the EU, which demanded improvements in this area, and actually did not aim at the foundations of discriminatory laws.

On May 3, President Andris Berzins addressed veterans of both sides of the Second World War with a call for reconciliation and joint participation in commemorative events on May 8. On May 8 the President noted that it did not matter on which day, May 8 or 9, and where people celebrated the end of the war. Also noteworthy was his invitation to Red Army veterans to the May 8 events, and his congratulations.¹³³ On June 11, President Berzins met with veterans of the Latvian Rifle Corps of the Red Army and Latvian partisan brigades saying that “a policy of equal treatment” was necessary “for all those, who in the time of war were called to serve in the army of foreign countries.”¹³⁴

On June 25, in an interview with the IMHOClub portal, Berzins stated that he did not blame people of Russian nationality, who voted “for their language” in the February referendum. However, in the interview, Berzins opposed granting Russian even the status of a regional language in Daugavpils, where it was supported by more than 80% of votes.¹³⁵

On September 4, Berzins acknowledged that the situation where hundreds of thousands of people in the country did not have citizenship was abnormal, but opposed the referendum on granting Latvian citizenship to non-citizens who wanted it.¹³⁶

On November 18, the President of Latvia delivered a speech in which he urged people to discard “the old ideas about Latvianness.” On November 21, in the daily newspaper *Latvijas Avīze*, his press secretary, L. Krapane, explaining the president’s words, said that he urged people to discard notions like “a Latvian, just because of his nationality has a greater belonging to the country than Russians or Ukrainians born and raised.” The purpose of Berzins’s words, according to Krapane, was to remind people of the need to respect “aliens” and the undesirability of their forced assimilation.¹³⁷

On December 4, in a speech at a discussion about tolerance, Andris Berzins called upon his Advisory Council on National Minorities to discuss the issue of non-citizens and to find the “way forward,” without offering any concrete steps and specifying that he did not mean that all non-citizens had to become citizens. He also spoke about the role of the Russian language in the country: “We need to do some serious work

about it.” As the president’s press secretary L. Krapane explained, what was meant was that young Latvians who do not speak Russian do not feel able to compete and emigrate, and this situation should be changed. With regard to the president’s words on non-citizens, according to Krapane, citizenship will be given only to those who really want to be citizens, and will not be “granted.”¹³⁸

On December 13, an interview with President Berzins was published on Fontanka.ru, where, among other things, he explained that his earlier call to study the Russian language was due to the requirements of the labor market.¹³⁹

In March, the leaders of the three parties with Russian-speaking electorates united in opposition to the transition of Russian kindergartens to the Latvian language — J. Urbanovic of the Concord Center association, V. Linderman from the Movement of January 13, and Doctor of Pedagogy J. Pliner from PCTVL, as well as the non-partisan Member of the European Parliament A. Mirskiy.¹⁴⁰

Speeches with demands to return Russian to the universities were another topic. On February 9, June 17 and September 21, the Minister of Education and Science R. Kilis (Reform Party) said that he saw no rational arguments why higher education in Russian could not be offered in Latvian state universities.¹⁴¹

On May 23, the Principal of the National Riga Technical University, L. Rybickiy, criticized the lack of teaching in Russian at the universities.¹⁴²

On September 21, Kilis’ suggestions were supported by the Chairman of the Board of Principals, A. Barshevskis.¹⁴³ However, these statements have not led to passage of the necessary amendments to the legislation.

The concerted efforts of the Mayor of Riga and the leader of the Concord Center party Nil Ushakov deserve special attention, along with the actions of representatives of the Reform Party. May 20, responding to the attack of the Minister of Culture, Zhaneta Jaunzeme-Grende, the Mayor of Riga said that May 9 was one of the most important events for Riga.¹⁴⁴

The authorities responded adequately to the scandal involving the appearance of people in Latvian SS Legion uniforms and carrying weapons in a kindergarten in Riga. Chairman of the Education Committee and Head of the Department of the Riga City Council, E. Aldermane (Honor to Serve Riga) and G. Helmanis, said on May 10 that it was unacceptable to raise such “politicized, painful” and “sensitive” topics in a kindergarten.¹⁴⁵

Mayor Ushakov said on May 16 that “if private kindergartens want to receive funding from the Riga City Council, then they should not repeat the mistakes made by Pūcītē”¹⁴⁶ and invite armed people wearing SS uniforms to their lessons on patriotism.

Minister of Education and Science R. Kilis said on May 15: "It is my personal belief that weapons, people in military uniforms, and other similar events are absolutely unacceptable at a kindergarten." He also said that the incident would be investigated, and expressed his intention to ban weapons from educational institutions.¹⁴⁷ On May 10, Defense Minister A. Pabriks (Unity) condemned the desecration of graves of Salaspils prisoners.¹⁴⁸ On May 28, Ushakov said that all kindergartens with Russian language instruction would be kept in the capital, noting that in future more attention must be paid to teaching the official language.¹⁴⁹

It is notable that Deputy Speaker of the Saeima I. Bite (Reform Party) spoke in Russian at the opening of the Russian Culture Days held in Riga at the end of May, and President Berzins sent his greetings.¹⁵⁰

On June 2, at a rally during the Baltic Pride of sexual minorities, a government official, Minister of Foreign Affairs E. Rinkevich (Reform Party), gave a speech for the first time in history of the Latvia. Also for the first time, the event took place without any attempts to ban it or police barricades. A reception during the Pride was also attended by the Mayor of Riga N. Ushakov and the Welfare Minister I. Vinkele (Unity).¹⁵¹

On July 9, deputy chairman of the Reform Party parliamentary faction, V. Dombrovsky, said that the deputy chairman of the same party, J. Vilnitis, contradicted the party's position when he said that deputies should be first and foremost concerned with the well-being of the Latvian people.¹⁵²

On September 21, Rinkevich urged the Saeima to soften the requirements for non-citizen parents wishing to register their child as a citizen of Latvia.¹⁵³ The Mayor of Rezekne (February 19) and the Daugavpils City Council (February 28) urged the government to consider giving Russian the status of a regional language.¹⁵⁴

On November 24 and 26, the portal delfi.lv published an article by Saeima deputy A. Leinsh (Unity), "Which Century Are We Living In?" in two languages. In it, he spoke against the "nationality" line in the passport: "It is not customary in the world to differentiate between citizenship and nationality... According to the new order, everyone who has a new passport of a Latvian citizen is actually a Latvian... All of us are Latvians!"¹⁵⁵

On November 18, the Head of the Lutheran Church, Bishop J. Vanags, called for integration of the two communities into one nation and condemned radicals, "on the one hand, are those who dream of deporting Russians from Latvia, and on the other hand, are those who see Latvia just as a Russian province temporarily gone astray."¹⁵⁶

On December 11, the head of the Latgales Saeima society and Saeima deputy from the Reform Party, J. Vilums, said in a radio interview that house signs in both Russian and Latvian might be allowed.¹⁵⁷

On December 25, former Prime Minister M. Gailis said in a television interview: “How can a small country manage without several languages? I think that all Latvians should know the Russian language. It’s stupid that learning it is not mandatory at schools. I would make English and Russian mandatory.” He also said that he thought it possible to give non-citizens the right to vote for local governments. At the same time, he does not support the “zero” option of granting citizenship.¹⁵⁸

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
	Total for section 4	5

5. Activities aimed at promoting tolerance and preventing extremism

On February 18, a referendum was held on amendments to the Constitution giving Russian status of a second official language. The amendments were initiated in the spring of 2011 by the Native Language society, which included leaders of the non-parliamentary parties Movement of January 13 and the Osipov Party, in response to constitutional amendments of the National Alliance, which stipulated the transfer of all public education in the Latvian language.

They were later supported by the PCTVL party and part of the Concord Center. The turnout was 71.13%, with over a million voters coming to the polling stations. As a result, 24.88% of voters (273,347 citizens) voted for the amendments, 74.80% (821,722) voted against, and 3,524 ballots were spoiled (0.32%). In a number of municipalities in the southeast of the country, including the cities of national importance Daugavpils (second in number of residents) and Rezekne, the majority voted for the amendments.¹⁵⁹

Riga and Daugavpils City Councils organized a free Latvian Language course in February and June.¹⁶⁰

On December 21, it became known that the Ministry of Culture of Latvia would allocate 3,400 lats for funding a number of projects of Roma NGOs.

These projects are designed to help Roma with legal protection and job searches. The money will go to projects of Center of Roma Culture society and the Nevo Drom D. society. One of the projects is called

“Cycle of workshops for representatives of the Roma community in five Latvian cities.” The workshops will discuss the problems of legal protection of Roma. Experts will deliver lectures on the rights of citizens and residents, as well as on the measures designed to reduce the social exclusion of Roma. The workshops will take place in Riga, Daugavpils, Valmiera, Jelgava and Madona.

The project “Socio-Economic Integration of Roma in Daugavpils Territory” also received support.

On February 29, the Native Language society launched a campaign to place signs with street names in Latvian and Russian. The campaign started in Liepaja, and then spread to Riga and Ludza in April.¹⁶¹

On March 6, a group of public activists in the city of Daugavpils announced the creation of the Russian Language Inspection. The tasks of this public inspection were to protect the victims of language inspections, organize campaigns to introduce Russian in the city as a regional language, and pressure the management of pharmacies that cover over labels in Russian.¹⁶²

On March 16, on the day of the annual parade of Waffen-SS veterans and their sympathizers, a round table organized by the International Human Rights Movement: World Without Nazism was held in Riga, with the participation of Latvian Saeima deputies, members of the European Parliament, and anti-fascist public figures. The round table was devoted to the issues of right-wing radicalism in the Baltic countries. Historical and current issues were discussed, as well as ways to counter the revival of Nazism in Latvia, Lithuania and Estonia.

On April 3, the Native Language society urged 29 foreign pharmaceutical companies to include instructions in the Russian language with drugs sold in Latvia, pointing out that the absence of these instructions is noted as a problem by the European Commission against Racism and Intolerance.¹⁶³

On April 23, well-known Russian TV journalist Andrey Mamykin said in an interview with the Latvian daily newspaper Diena that small steps were enough to solve the ethno-political problems: medicine instructions in Russian; guarantees that Russian schools and kindergartens would continue to exist; and the ability to resolve issues and file applications in Russian in selected municipalities.¹⁶⁴

On November 20, there was an appeal from an initiative group on the establishment of the Congress of Non-Citizens — a public organization representing the interests of non-citizens. Participation in the Congress was open to non-citizens, and to all those who thought that the current government had no right to represent the interests of non-citizens.¹⁶⁵

On November 29 and 30, the Delfi portal published an article in two languages about the three hundred thousand non-citizens by

commentator D. Lemeshonoks. The author wrote: “The people of Latvia and their representatives have to figure out the meaning of existence of non-citizens and the institution of non-citizenship. Why have we needed the mass of people created by the state and society (including me), who we consider alien, hostile and dangerous, for 20 years? Or an internal enemy, to put it even more bluntly. Have we really, for all these years of self-destructive obsession, been nurturing a community of non-citizens, for them to overcome us as a nation in one moment, humiliating Latvia?.. Or do we need them as a suitable adversary, easy to prevail upon? For example, to unite Latvians around their government, if necessary.” He concluded that “the answer to the question of why we need the non-citizens is quite trite (and therefore, harmful to the national identity). We need them just to be there, so that we have a false sense of superiority, as if someone was still below us.”¹⁶⁶

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Activities aimed at promoting tolerance and preventing extremism	5
	Total for section 5	5

6. Status of migrants and society’s attitude towards immigrants, foreigners, different ethnic groups

Indicators

- Presence and improvement of immigration laws.

The basis of Latvian migration legislation is the Immigration Law. According to this law, non-citizens are not considered foreigners, and they do not need permits (visas, residence permits) to stay in the country for an unlimited period of time.

As in other EU countries, the basis for temporary or permanent residence of foreigners in Latvia is a visa (for citizens of countries that do not have a visa-free regime with Latvia) and a temporary or permanent residence permit.

Residence permits can be given to spouses and parents of permanent residents of the country (citizens and non-citizens), who have reached retirement age, etc.

In 2010, an amendment to the law was passed, allowing investors who have purchased property for a certain amount or who participate

in subsidized capital of the Bank of Latvia, as well as individuals doing business in Latvia and paying a certain amount of taxes, to obtain a temporary residence permit.

In 2012, representatives of the National Alliance in the Saeima and in the government have repeatedly raised the question of abolishing the “investment amendment,” but this initiative of the radicals was not supported even by their coalition partners.

In 1997, Latvia adopted the Law “On asylum seekers and refugees in the Republic of Latvia,” which defined the procedure for obtaining refugee status, as well as the rights of the refugees.

Migration legislation in Latvia is poorly developed in terms of social assistance to foreigners if they do not have a permanent residence permit in the country.

- Authorities’ compliance with such legislation (law enforcement practice).

The global economic and financial crisis that erupted in 2008, and was further worsened in Latvia by the mortgage crisis and the sharp decline in prices on the real estate market, had a drastic negative impact on the financial and economic situation in the country. This led to a mass outflow of people from Latvia in search of a better life. Within five years, almost 150,000 people left Latvia, or about 7.5% of the total population. Some experts believe that the real numbers are half again as high. Emigration of Latvians has mostly a regular, rather than a seasonal character. The main directions of migration flows are Ireland, Great Britain and the Scandinavian countries.

However, it is clear that as Latvia emerges from the crisis, there will be a shortage of skilled workers. According to the estimates of Ministry of Economics, this will happen as early as 2017. However, this problem was not experienced in 2012, as the official unemployment rate was about 15%, and the real rate was about twice as much.

At the same time, the Latvian government has repeatedly stated that it wants to bring back its citizens that have left, but does not want to open up the borders to migrant workers from developing countries, as is the case in some EU countries.

Nevertheless, there were about 10,000 legal immigrants in Latvia in 2012. Over half of them were from non-EU countries. As a rule, they are entrepreneurs who obtained a residence permit as a result of the so called “investment amendments” to the Immigration Law.

Several hundred refugees annually ask for asylum in Latvia. However, in all these years, the country has granted asylum to no more than a few dozen people, which is primarily explained by the migrant phobia of the majority of the population. However, the migrants themselves do not try to stay in Latvia, and use the country as a “gateway to Eu-

rope,” heading to more prosperous countries of Western Europe that already have an immigrant population.

As stated by the Head of Latvian Citizenship and Migration Affairs Office, Vilnis Jekabsons, in December 2012, the situation with migrants is “very calm,” as migrants do not want to go to Latvia because of the low social benefits. However, he was sure that despite this, migrant phobia was unlikely to disappear in Latvia.¹⁶⁷

Thus, right now in Latvia there is no problem with labor migration, and compliance with migration legislation is quite clear. In the two years after the “investment amendments” were passed, only a few cases of refusal of a residence permit were registered, in connection with violation of the investment procedure or with the candidates’ government service abroad. Only one case of refusal for political reasons was recorded. The Ministry of Internal Affairs denied the status of temporary resident of Latvia to the former Mayor of Moscow Yury Luzhkov due to his numerous speeches, which the MIA considered hostile to Latvian statehood.

- Discriminatory practices against migrants.

No discriminatory practices against migrants were recorded in 2012, although there were far more cases of denial of refugee status than cases of granting this status.

- Use of the “ethnic crime” theme in order to discriminate against immigrants.

There were no recorded attempts to use the ethnic crime issue in order to incite ethnic hatred. In fact, the topic itself was irrelevant for Latvia in 2012.

- Social assistance for migrants.

Foreigners who come to Latvia from countries that are not members of the EU or the EEA, and are in Latvia with a temporary residence permit, have only partial access to the system of social protection. Legally employed foreigners have partial access to benefits, which depend on the social security payments made by the foreigner. Foreigners do not have access to government benefits that do not depend on the value of social security payments, or to social services and social and legal assistance.

This primarily concerns healthcare, unemployment insurance benefits, childcare benefits, state social security benefits, etc.

According to the Law “On Social Services and Social Assistance” foreigners with temporary residence permits do not have access to guaranteed state social services and social assistance (e.g., social support and rehabilitation, the opportunity to stay in a shelter or crisis center, benefits for low-income people, etc.)

According to the Law “On Legal Assistance Provided by the State,” foreigners with temporary residence permits do not have access to legal assistance guaranteed by the state.

Foreigners living in the country with a temporary residence permit freely receive a work permit; however, there are also issues here, as the Official Language Law requires employees, even those working in areas that do not involve direct contact with the population, to have knowledge of the Latvian language according to the particular category. Therefore, the chances for migrant workers to use their right to work are small, as they must first learn the official language. While neither the issue of labor migration in Latvia nor the problem of employment of migrant workers is urgent, as soon as the first one occurs, the latter will surface as well.

In general, we can say that social assistance to migrants who live in the country with a temporary residence permit is virtually nonexistent.

- Negative attitudes to migrants, foreigners and various ethnic groups in society.

Despite the irrelevance of the problems of labor migration and refugees, a rise in migrant phobia fueled by irresponsible statements of some officials and academics was observed in Latvia in 2012.

In an interview with national Latvijas radio on July 28, demographer Ilmars Mezs said that mass immigration expected during the recovery of economy is a threat to the Latvian language and culture.¹⁶⁸

During a meeting of the Saeima Committee on Defense, Internal Affairs and Anti-corruption on November 21, some of its participants expressed serious concerns about possible legal and illegal migration to Latvia of representatives of other cultures and religions.

For example, deputy Janis Adamsons said that if Latvia accepted thousands of refugees, the state would face a number of extremely serious challenges. He said that Latvia was able to integrate dozens of newcomers, but not thousands.¹⁶⁹ On November 26, the Director for West and Central Africa at EEAC, Peteris Ustubs, said that over time, immigrants from Africa would be using Latvia not only as a transit point, but also as a permanent place of residence.¹⁷⁰

These statements were answered by large-scale migrant phobia. According to responses to the survey conducted by TNS Latvia, the results of which were published on December 4, no less than 61% from the total number of economically active residents of Latvia aged 18 to 55 years thought that the number of immigrants from other countries would significantly increase in Latvia in the next five years; 17% definitely expected this; and 44% were inclined to think so.¹⁷¹

These fears are developing against the background of large-scale labor migration of Latvian residents to the EU countries. Almost

212,000 people have emigrated as of 2012. In 2009–2012 alone, over 70,000 people left the county (3.5% of the population), while some experts think that the real numbers of emigrants are even higher.¹⁷²

Among the Latvian population xenophobia is widespread mainly in relation to non-citizens. On March 25, the results of research conducted by the company *Latvijas Fakti* were published, in which the views of the country's residents on automatic provision of Latvian citizenship to non-citizens were studied. This idea was entirely supported by 31.5% of those surveyed, somewhat supported by 18.6%, entirely rejected by 29.6%, and somewhat rejected by 15.1%. Among Latvians, 24.7% were in favor of giving non-citizens the right to vote, and 71.6% were against it; among non-Latvians, 93.8% were in favor, and 4.3% were against.

Data from a survey of citizens of Latvia published on May 10 showed that 40% opposed giving non-citizens the right to vote in local elections, and only 30% supported this idea.¹⁷³

On September 12, it was reported that according to a survey conducted by the TNS Latvia agency together with the LNT television company and the 900 Seconds show, half of the population of Latvia (51%) did not support the idea of granting Latvian citizenship to non-citizens.

Thirty-eight percent of respondents definitely did not support the initiative of “zero citizenship”; 13% were somewhat opposed. Thirty-one percent of the surveyed residents had the opposite opinion, and of this number, 15% were definitely for citizenship, and 16% were somewhat in favor.¹⁷⁴

In addition, the results of a survey conducted by SKDS, commissioned by the Conservative Ideas Society *Populares Latvia* were published on April 13. In particular, it was noted that among the respondents, who spoke Latvian in their family, 53% were in favor of protecting the interests of Latvians to a greater extent (3% of Russian speakers also supported this point of view), and 13% voted for the equal treatment of all nationalities (56% among Russian speakers). Large-scale xenophobia was demonstrated in incidents like the demands made on May 9 to punish workers of Mego stores, who pinned the orange and black St. George ribbon to their clothes — a popular symbol of celebration of the victory over Nazism — or complaints to Google that its maps of Latvia contain duplication of Latvian street names in Russian.¹⁷⁵ On November 2, it became known that a number of charitable community organizations in Latvia rejected a proposal to translate their website materials into Russian for free. Only one NGO — the Society of Pulmonary Hypertension — agreed to become more accessible to the Russian-speaking population.¹⁷⁶

On November 16, it was reported that more than 70% of Latvians perceived non-Latvians as friends and relatives, but not as fellow citi-

zens.¹⁷⁷ Thus, in the minds of most Latvians, representatives of other nations are considered to rank below Latvians.

On November 27, the results of the Eurobarometer survey were published, showing that the people of Latvia had the most skeptical attitude among EU countries regarding the possibility of gays, lesbians and bisexuals to hold high political office in the country. On a scale from 1 to 10 (1 — extremely unsatisfactory, 10 — completely satisfactory), the people of Latvia rated this possibility at 3.2. On average in the EU, this possibility is rated at 6.6. In relation to transgender and transsexual people, a similar indicator in Latvia was 2.8 (average for the EU is 5.7).

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence and improvement of immigration laws	5
×	Authorities' compliance with such legislation (law enforcement practice)	5
–	Discriminatory practices against immigrants	0
–	Use of the “ethnic crime” theme in order to discriminate against immigrants	0
–	Social assistance for immigrants	0
×	Negative attitude of the society towards immigrants, foreigners, various ethnic groups	–5
	Total for section 6	5

7. Incitement to ethnic and religious hatred

Indicators

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

A number of xenophobic statements from prominent people in Latvia can be noted.

On February 15, 2012 a statement by the creative director of the New Riga Theater A. Hermanis, made on the television show 100 Grams of Culture provoked a massive outcry: “If we view this referendum as a stress test for the Latvian state, then it is a beautiful gift

from God. For two million lats we get a list of all citizens who are disloyal to this country. Exactly like this. The referendum is a test for traitors to this country. Let's call things by their proper names." Hermanis also views Latvian "pseudo intellectuals" who urge people not to participate in the referendum as traitors. "Traitors are a certain human breed. They always have different complicated excuses, and they can always find very exquisite justifications for their cowardice," he said.¹⁷⁸

In an interview with the newspaper *Neatkarīga*, on March 15, a prominent lawyer and former deputy, A. Grutups, pulled the card of the Jewish origin of his political opponent V. Linderman, and accused the Jews of the October Revolution.¹⁷⁹

On March 25, at a commemorative event for the victims of Stalinist repressions in Riga, the head of the former political prisoners society, G. Resnays, called the February referendum on giving the Latvian and Russian languages equal status a "proposal to eliminate the independence of Latvia" and "incitement to hatred."¹⁸⁰ On December 3, Resnays declared at commemorative events in Riga: "The 'infection' is a small group of people who came to live in Latvia during the Soviet regime. They are not Russians. They have lost their identity, nationality and even their language, but they consider themselves Russian-speaking." He also rebuked politicians for being unable to deal or not wanting to deal with a small number of Russian-speaking people. "Dialogue with them is impossible. We must have a firm position and we cannot allow them to do, what they are doing," he said.¹⁸¹

On the TV show *Without Censorship* on April 4, well-known anti-Semite Uldis Freimanis called for the demolition of the Monument to the Liberators of Riga, which was built in honor of the 40th anniversary of the Victory over Nazism, as a symbol of Soviet occupation.¹⁸² A similar appeal to the Prosecutor's Office was posted on the website *peticijas.com*.¹⁸³

In a radio interview on April 18–19, Viesturs Dule, Head of the Foundation for Intellectual Development, who is known for his idea of voting with blank ballots at the February referendum on the status of the Russian, urged viewers to "fight segregation" in schools, saying that the primary language (in schools) had to be Latvian, and that "minority schools are a sign of some backward civilization."¹⁸⁴

On April 20, the program *Without Taboo* on the TV3 channel gave the floor to one of the activists of the annual Big Cleaning Day,* who said: "I don't want to say that Russians are pigs, or that someone is making a bigger mess than others, but I wouldn't want us to find ourselves in a situation where some people make a mess and others have to clean it up."¹⁸⁵

* Popular in the former Soviet Union large-scale event for cleaning territories after winter — *editor's note*.

On July 17, public attention was drawn to the statements made by Order of the Three Stars holder, J. Rozhkalns in the newspaper DDD about how the Orthodox faith “is the faith of our dangerous neighbor” and “those who hold economic power, control the political process. Many Latvians have married Russians. Russians own a major part of our economy, a lot of property and land.”¹⁸⁶

On September 17, the World Federation of Free Latvians (the largest organization of the Latvian diaspora) urged the government of Latvia and the Interagency Coordination Center to prevent disguised attempts to strengthen the Russian language as a second language in Latvia and the public education system, including Latvian universities. As the WFFL pointed out, if the document’s authors wanted to secure the use of other languages at Latvian universities, it was necessary to stipulate that only the EU country languages were under consideration. Otherwise, this document would de facto legalize the bilingual status of the Latvian education system and the Latvian state.¹⁸⁷

On September 26, a group of public organizations demanded the resignation of the Minister of Welfare I. Vinkele (Unity), because the ministry had published two books for preschool children against gender stereotypes, which according to the protesters, undermined gender identity, threatened the foundations of the state, the family institution and children’s rights.¹⁸⁸

On March 1, it was reported that photos in one of the exhibition booths in the foyer of Latvian State Television were placed in the shape of a swastika. The booth was removed by March 5.¹⁸⁹

In an interview with the weekly newspaper Vesti on December 20, Cardinal J. Pujats was scaring readers with homosexuals: “If someone in the West tells a joke about a homosexual, and that’s it. Does that mean you’re laughing at us? Which means immediate fines and imprisonment,” and with Muslims: “maybe only after they find themselves under the yoke of the Muslims, people will wake up and remember that they are Christians.”¹⁹⁰

- Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.

On March 16, the day of the annual procession of Waffen-SS veterans and their sympathizers in the center of Riga, public attention was drawn to calendars with Nazi propaganda posters being sold in Riga bookstores.¹⁹¹ These calendars have been published for several years and are freely sold in the bookstores of Riga. They show posters published in Nazi-occupied Latvia in 1941–44, with pictures of soldiers in the Wehrmacht uniform and caricatures of the country’s leaders from the anti-Hitler coalition.

A presentation of the book *Traces on the history of Latvia* by the Lutheran pastor G. Kalme took place in Riga on November 20. The contents of the book evolved around the idea “Latvia for Latvians!”¹⁹²

In Latvia, there is a freely published and very popular conservative nationalist newspaper *Latvijas Avīze*, which in 2012 regularly published Russophobic materials on its pages, as well as a radical nationalist newspaper DDD (“Deokupācija. Dekolonizācija. Deboļševizācija”), which uses its pages to actively promote the idea of moving the Russian-speaking residents of the country to Russia.

On March 16, 2012, the day of commemoration of Waffen-SS veterans, which is widely celebrated annually in Latvia, although unofficially, a concert took place in Riga with the participation of the Lithuanian band Dictatorship, well-known for its anti-Semitism, Polonophobia, and Russophobia.¹⁹³

In Latvia in 2012, director V. Silis produced the play *Legionnaires*, which presented the Waffen-SS legionnaires as heroes who fought for the freedom of Latvia.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts	-5
	Total for section 7	-10

8. Ultra-nationalist groups and parties

Indicators

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).

The main nationalist group in Latvia is the National Alliance bloc created in 2010, based on the For Fatherland and Freedom/DNNL and the All for Latvia! parties. The party has 14 seats in the Saeima and is part of the ruling coalition.

The Alliance is part of the ruling coalition and has its ministers in the government.

In addition, the Gustav Tselminsh Center, an organization of Latvian national radicals, also operates in Latvia. Its objective, according to the statute, is to “promote the ideals of Tselminsh,” the leader of Latvian national radicals in the interwar period.

Then there is the Latvian National Front led by the editor-in-chief of the above-mentioned newspaper DDD, *Ajvars Gards*. However, apart from publishing this newspaper, the Front did not express itself with any specific actions in 2012.

There are also a number of radical nationalist organizations in Latvia, such as *Aizsargi*, *Perkonkrusts*, *Latvian Nationalists Club*, *Tevijas Sargs*, and several others.

Aizsargi (<http://www.aizsargi.lv/>) is a radical nationalist paramilitary organization that openly advocates the construction of a “Latvian Latvia” and deportation of “invaders” and their descendants from the country. In 2012, this organization announced it was collecting signatures for demolition of the monument to the Red Army Liberators in Victory Park.¹⁹⁴

Perkonkrusts is the illegal wing of the Gustav Tselminsh Center, a Neo-Nazi organization that advocates for liberation of Latvia from aliens. It is responsible for three attempts to blow up the monument to Soldier Liberators in Victory Park, adheres to terrorist methods of struggling for an ethnically pure society.¹⁹⁵

The *Latvietis* society (<http://www.latvietis.lv/index.cgi>) supports the ideas of ethnic superiority of Latvians over other nations and conducts active outreach work in this spirit.¹⁹⁶

The *Latvian Nationalists Club* (<http://www.nacionalisti.lv/>) is an organization that promotes radical nationalism and organizes public events in support of these ideas. It coordinates the activities of other radical nationalist groups.

Tevijas Sargs (<http://tevijassargs.com/>) is engaged in military training of people ready to fight for establishing the ideas of a “Latvian Latvia.” Only ethnic Latvians are accepted into the organization. It has an extensive network of branches across the country and training camps. Cooperates with the Ministry of Defense of Latvia.¹⁹⁷

- Discriminatory demands in the programs of these parties and in the statements of their leaders with respect to minorities.

The main political slogan of the National Alliance — “For a Latvian Latvia!” — actually involves assimilation of non-Latvians and “voluntary” migration of those not willing to assimilate from the country.

The bloc’s main initiatives in 2012 were transition of public Russian kindergartens and schools to Latvian only as language of study, as well as a ban on holding the referendum on the Russian language and the “zero” citizenship option.

In May 2012, the Minister of Justice from the National Alliance, G. Berzins, published a statement in which he criticized collection of signatures in support of the draft of amendments to the Citizenship Law, and urged officials, including notaries, whose activities are under control of the ministry entrusted to him, to “realize their responsibility to the state” and “be loyal to their country.” This statement was regarded by many observers as the misuse by Berzins of his position of the Minister for his party’s political purposes and interference of representative of executive power in the process of reforming legislation.

The National Alliance showed itself in 2012 as a consistent supporter of eliminating school and pre-school education in the languages of national minorities. In May and September, they held a country-wide collection of signatures for a referendum on the closure of Russian public schools. They were unable to collect the required number of signatures.

In March 2012, they launched a new legislative initiative to establish special status for the “fighters for the freedom of Latvia.” This status, with the award of a badge and payment of a monthly allowance, would supposedly be given to Latvian citizens who fought against the Soviet Union (i.e. those, who served in the Waffen-SS).

According to the authors of the draft, its passage “will restore historical justice and will allow the few still living legionnaires to feel that the government has officially recognized their armed struggle against the Soviet occupation regime. The legionnaires will also be able to receive financial and moral satisfaction for the discrimination they experienced during Soviet times, and restrictions in education and other areas.”¹⁹⁸

In March, April and September, representatives of the National Alliance opposed granting residence permits to foreign investors who bought property in Latvia.

The reason for the resignation of the Minister of Justice G. Berzins from the National Alliance in 2012 were his disagreements with colleagues in the government on the issue of restitution of Jewish property lost by the community during the Nazi occupation and the years of Soviet power. The nationalists strongly opposed the government’s intention to return the property to the Jewish community. In September 2012, party activists held a protest in Liepaja during the visit of the new American Ambassador to this city “against U.S. pressure on the issue of restitution of Jewish property.”

In September, the National Alliance supported the establishment of a monument to soldiers of Nazi auxiliary police troops in Bauska and condemned Russia for the protest held on this occasion.

In December, national radicals actively opposed the idea of granting some Orthodox holidays the status of an official holiday.

Leaders of the party always take part in the march of Waffen-SS veterans in the center of Riga.

As for the Gustav Tselminsh Center, the organization traditionally took an active part in the march of Waffen-SS veterans in the center of Riga on March 16. In addition, on July 1, activists of this organization, headed by their leader I. Shishkins and well-known anti-Semite U. Freimanis, held a procession in the city center in honor of the Nazi occupation of Riga in 1941, which they called “a commemoration of the ‘terrible year,’ ” referring to the period from the date Latvia was incorporated into the Soviet Union in June 1940 until the Nazi occupation of the country a year later.

Those present at the meeting said that “the Nazis stopped the crimes of Soviet power, and this is a reason to celebrate.”¹⁹⁹ Union Against Nazism, a member of the International Human Rights Movement: World Without Nazism, held a counter-protest.

In Riga on July 4, close to the place where on this day in 1941 Riga’s synagogue was burned along with 500 Jews, * the same people held a protest with the slogans “Latvia for Latvians!”, “Down with the government of Zionist lackeys!”²⁰⁰ At the same time, in the place where the synagogue had been burned, a mournful service organized by the Jewish community in Latvia was held in memory of Holocaust victims.

The leader of the Gustav Tselminsh Center, Igor Shishkins, was arrested by the Security Police on charges of extremism (illegal possession of firearms and ammunition) in the fall of 2012 (see above), but was released under a special regime in January 2013.²⁰¹

The views of the National Alliance (NA) are actually not that far from those of Unity, the largest party in the ruling coalition in Latvia, or from the opposition Union of Greens and Farmers. In a number of cases, politicians migrated from NA predecessor parties to “national conservative” parties, which are now part of Unity and UGF, or back. UGF also used to be part of the ruling coalition, together with NA predecessors. All ultranationalist parties of Latvia in varying degrees are Eurosceptics, and oppose the introduction of the Euro. But while the National Alliance, following the coalition discipline, had to surrender and vote in favor of introducing the Euro in December 2012,²⁰² the same cannot be said about other parties and organizations of the same kind.

The Gustav Tselminsh Center, for example, views entering the Eurozone as “undermining the independence of Latvia and its democratic values.” Its representatives even went to the country’s Security Police, demanding that they punish those responsible for it and prevent “anti-state activity.”

* July 4 is considered as a day of the beginning of Holocaust in Latvia — *editor’s note.*

All nationalist parties oppose the promotion of homosexuality and holding “prides” in Latvia.

- The influence of Neo-Nazis and extreme nationalists on civil society, including opposition and human rights organizations.

Nationalist slogans and ideas have always had a predominant influence in post-Soviet Latvia. Suffice it to say that up to 2013, any voting at elections took place according to the ethnic principle: Latvians voted for the so-called “Latvian” parties, and Russians voted for parties that demanded national equality.

In 2011, the National Alliance managed to localize the main Latvian nationalist electorate to its advantage and win 14 seats out of 100 in the 11th Saeima elections. Nationalistically oriented Latvian voters saw in the new Alliance the young and determined leaders, who were not only ready to speak, but also to achieve practical implementation of their demands.

The National Alliance is least popular in Latgale, where over 50% of the population is Russian-speaking. There, a little over 6% vote for nationalists. In Riga, where the leading position is held by the internationalist Concord Center, radicals received 13%. It is most popular in the regions of Kurzeme and Zemgale (almost 16%), and Vidzeme (over 18%).

Thus, nationalists are most popular in western regions of Latvia. However, their energy and initiative in Parliament seem to be winning more supporters away from the “old” moderately nationalist parties, for which average Latvian people vote, mainly from Unity and the Union of Greens and Farmers. According to the results of a public opinion poll conducted on December 6, 2012, by the Latvijas Fakti agency, the National Alliance took third place in the ranking, having clearly improved their position compared to the parliamentary elections of 2011, where they came in fourth.

- The influence of neo-Nazis and extreme nationalists on the local legislative/executive authorities.

The National Alliance is a relatively new political union, where the political party All for Latvia! plays the main role.

Despite the fact that the National Alliance received more than 13% of the vote in the parliamentary elections, it did not participate in the 2009 municipal elections. A junior partner in the Alliance — the For Fatherland and Freedom/Movement for National Independence of Latvia party — participated in the 2009 municipal elections with separate lists, as well as All for Latvia, but neither party crossed the vote threshold and thus failed to win even a single seat in the Riga City Council. Nevertheless, out of 9 cities of national importance they were represented in the city councils of Liepaja,²⁰³ Jelgava,²⁰⁴ Jurmala²⁰⁵ and

Valmiera.²⁰⁶ The radicals also had one representative in Adazhsk Territory,²⁰⁷ two each in Aluksnensk Territory²⁰⁸ and Bauska Territory,²⁰⁹ and five mandates in Ogre Territory.²¹⁰ They were also successful in a number of other municipalities.

Consequently, in 2012, ultranationalist parties had an influence on the local authorities, although it was limited.

- The influence of Neo-Nazis and extreme nationalists on the ruling party and national legislative and executive authorities.

After receiving over 13% of the popular vote in the parliamentary elections of 2011, the National Alliance entered the government coalition and received two ministerial offices — the Minister of Culture and the Minister of Justice.

Inclusion of ultranationalist ministers in the government was the result of agreements between two other parties, Unity and the Reform Party, which did not want to share power with the winner of the elections — the “Russian” Concord Center party.

As a result, radical influence on the Latvian government significantly increased. Nevertheless, radicals have not been that successful in the coalition. Thus, in 2012, coalition partners did not support their main initiatives aimed against public education in Russian, against a referendum on the status of the Russian language, against providing residence permits to investors, and against the introduction of the Euro. However, their initiative to raise fines for the lack of Latvian language skills was adopted, as well as a number of other smaller proposals connected with discrimination against Russian-speaking pupils in Latvian language exams, etc.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities)	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities	-5
×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations	-5
-/×	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies	-2.5

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies	-5
	Total for section 8	-22.5

9. Public actions of extremists and radical nationalists

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

No such instances were recorded during monitoring in 2012.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

In 2012, there were three mass events with the participation of extreme nationalists. The first and largest one, similarly to previous years, was held on March 16 in the center of Riga, where the annual march of Waffen-SS veterans and ultra-nationalists took place. A rally was held next to the Freedom monument with the participation of right-wing politicians and religious activists. The speakers used it as a platform for anti-Russian and anti-Russia rhetoric. Altogether, about 2,000 people took part in this event. Participants in the march included Saeima deputies from the National Alliance, who laid flowers at the Freedom monument. At the same time, the anti-fascist wreath they had laid at the same monument several hours earlier to commemorate the victims of Nazism was desecrated.

A similar march took place in the town of Limbazi on the same day.

On July 1 of the same year, the leader of the Gustav Tselminsh Center, Igor Shishkins, and the notorious anti-Semite U. Freimanis also organized a rally and march in the center of Riga in the honor of the occupation of Riga by German troops in 1941. No more than 30 people participated in the event.

On July 4, the same people organized a picket at the memorial site where the Nazis burned the Riga synagogue with 500 Jews inside in July 1941, with the slogans “Latvia for Latvians!” and “Down with the government of Zionist lackeys!”²¹¹

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

In 2012, there was only one mass event of nationalist radicals attended by public officials, namely deputies from the National Alliance, which was part of the government coalition. This event was the annual march of Waffen-SS veterans and their sympathizers in the center of Riga on March 16.

- “Football xenophobia” and racism of sports fans.

No such instances were recorded during monitoring in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities	0
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities	–5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies	–5
–	Presence of “football xenophobia” and racism amongst sports fans	0
	Total for section 9	–10

10. Racist attacks, violence and terror

Indicators

- Vandalism in cemeteries, attacks on religious buildings.

Two cases of vandalism in cemeteries were recorded during the period under consideration.

On May 5, it was discovered that the graves of victims of Salaspils concentration camp had been vandalized. On the night of June 26 to

27, unknown persons fired shots at the stained glass panel of the chapel at a Jewish cemetery in Riga.²¹²

- Interethnic clashes caused by xenophobia and radical nationalism.

No such instances were recorded in 2012, but the refusal of the Central Election Committee of Latvia to hold a referendum on citizenship provoked considerable interethnic tension in the country.

- Incidents of violence, including murder, on racial, ethnic and religious grounds.

No such incidents were recorded during monitoring in 2012. According to the Security Police of Latvia, there were few records of such incident in the past as well, but “violations appear in the form of hostile speeches and abusive comments, usually on the Internet. Verbal attacks are usually directed against Latvians, Russians and Jews.”²¹³ The level of aggression on the Latvian Internet is extremely high, which is evidence of the high level of interethnic tension and a prerequisite for such conflicts in the future. Nevertheless, we must recognize that common nationalism in Latvia is much more rarely encountered than political nationalism.

- Terrorist attack due to radical nationalism and religious fanaticism.

No such instances were recorded during monitoring in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Vandalism in cemeteries, attacks on religious buildings	-5
-	Inter-ethnic clashes instigated by xenophobia and radical nationalism	0
-	Cases of violence, including murder on racial, ethnic and religious grounds	0
-	Cases of hate crimes	0
-	Terrorist attacks on the basis of radical nationalism and religious fanaticism	0
	Total for section 10	-5

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

In Latvia, there are a number of registered and operating community organizations that are involved in the anti-Nazi movement. The most important of these are the Latvian Anti-Fascist Committee (created in 2005; leaders are Josif Koren and Eduard Goncharov) and the Union Against Nazism (created in 2010; its leader is Janis Cuzins), included in the International Human Rights Movement: World Without Nazism (which operates in the country through its branch Latvia Without Nazism).

The public organization For the Native Language! (ZARYA), which was reformed into a political party in 2012, also takes an anti-fascist position. It was this NGO that organized and conducted signature collection for the official status of the Russian language.

The For Fairness and Justice society, which advocates for the rights of non-citizens, is also quite active in this sense.

A lot of work in this direction has been also done by the public movement For Equal Rights, which in fact initiated the referendum on the “zero” citizenship option.

Other anti-fascist organizations include the Baltic Center of Historical and Socio-Political Research, Latvian Association of Anti-Hitler Coalition Fighters, and the Latvian Human Rights Committee.

The PCTVL party holds a firm anti-fascist position.*

The Concord Center union, which has the largest faction in the Saeima, but is in opposition, also holds an anti-fascist position.

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

On February 28, the Latvian Anti-Fascist Committee condemned statements made by President Berzins, that honored Latvian SS legionnaires.²¹⁴

On March 3-5, open letters to President Berzins, which criticized his sympathetic remarks addressed to veterans of the Latvian Waffen-SS legion, were published by the International Human Rights Movement: World Without Nazism, by organizations that are part of it, including Latvia Without Nazism, Union Against Nazism, Baltic Center of Historical and Socio-Political Research, and the Latvian Association of Anti-Hitler Coalition Fighters.²¹⁵

* “For Human Rights in United Latvia” — *editor’s note.*

On March 16, anti-fascists laid flowers in commemoration of victims of Nazism at the Freedom monument in the center of Riga. Besides laying flowers, anti-fascist organizations, including Latvian representatives of the World Without Nazism, also held an international conference on this day. Participants in this conference included Members of the European Parliament T. Zhdanok from Latvia's PCTVL party and G. Scholz (Germany, Left Party), one of the leaders of the Simon Wiesenthal Center, E. Zuroff, and the co-Chairman of the European Jewish Parliament, J. Rubinfeld.²¹⁶

Union Against Nazism together with the Latvian Anti-Fascist Committee also organized and held a rally near the Freedom monument against the traditional procession of the Waffen-SS veterans and their supporters, which was attended by about a hundred people. Unfortunately, the appeals from the popular Mayor of Riga, N. Ushakov, made back in 2010, not to participate in any of these events, led to a sharp decrease in the number of participants in the anti-fascist event.

On April 26, a number of commemorative events took place in Riga, Valka and Jurmala as part of International Day Against Fascism.²¹⁷

On July 1, Union Against Nazism held a counter-protest against an ultra-nationalist event in Riga celebrating the beginning of the Nazi occupation of Latvia.²¹⁸

On July 15, Union Against Nazism made a proposal to Saeima factions to make

July 1 (day of the fall of Riga in 1941) the day of Nazi occupation.²¹⁹

On October 13, the Latvian Anti-Fascist Committee held a large-scale event in Riga in commemoration of the liberation of Riga from the Nazi invaders in 1944.

- Public anti-racist and anti-Nazi initiatives.

The most significant initiatives in 2012 were the referendum on giving Russian the status of second official language in Latvia, and collection of signatures for holding the prohibited referendum on the "zero" citizenship option.

In March 2012, chairman of the Latvian Anti-Fascist Committee, Josif Koren, chairman of the Union Against Nazism, Janis Cuzins, and the director of the Baltic Center for Historical and Socio-Political Research, Viktor Gushchin, sent a letter to President Berzins, protesting against the President call "to bow heads to the legionnaires."

The International Human Rights Movement: World Without Nazism issued a statement on March 6 "On the glorification of Waffen-SS veterans in Latvia and the impermissibility of revision of Second World War history."

On March 16, 2012, members of the International Anti-Nazi Conference in Riga, drew the attention of the governments of Latvia, Esto-

nia and Lithuania in their final memorandum to the increased influence of right-wing radical forces in these countries. They called on these governments and parliaments to implement recommendations of the European Commission Against Racism and Intolerance, and the Framework Convention for the Protection of National Minorities with respect to human rights and the glorification of Nazism.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-racist and anti-Nazi movements and parties	5
×	Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations)	5
×	Presence of anti-racist and anti-fascist civic initiatives	5
	Total for section 11	15

12. Glorification of German National Socialism and collaborators of Nazi Germany

Indicators

- Glorification of German National Socialism and/or its collaborators in the media; desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

A deliberate policy is being conducted of glorification of pro-Nazi collaborators is being conducted in Latvia. Preference is given to portraying collaborators as soldiers who were forced to work for the Nazis, and who participated in military operations, but not in punitive actions (contrary to available facts).

On February 28, in a television interview on Latvian SS legionnaires, President A. Berzins said that he saw no reason to deny that many people had sacrificed their lives for the future of Latvia, and that there was no reason to criticize those who celebrated March 16.²²⁰ On March 4, the President’s office published an explanation of Berzin’s opinion on Latvian legionnaires. These explanations turned out to be even more scandalous. They stated that the legion was “in fact, was never voluntary,” that many historians “believe that the legion’s connection with the SS was formal” and that “during the Second World War, the Latvian Legion, as a front-line unit was not involved in puni-

tive expeditions against civilians and committed no crimes against humanity. The Legion was created as a combat unit and mainly participated in fighting on the Eastern front'.²²¹ On March 5, the Latvian National Partisan Association and National Soldiers Society expressed their official gratitude to Berzins for his position.²²²

On December 23, while participating in events to commemorate the Christmas Battles of 1944, President Berzins laid flowers not only at the cemetery in Dobel (Red Army burials), but also in Lestene (Latvian SS Legion burials).²²³

When organizers of the march desecrated the wreath laid by anti-fascists at the Freedom monument, the police did nothing, and also showed no reaction to the anti-Semitic speeches.²²⁴

On January 19, the President of the National Alliance R. Dzintars said that the politicians from his party would honor the memory of Latvian legionnaires on March 16.²²⁵ Imants Paradnieks said that "our task is to take care of the legionnaires."²²⁶ Taking care in this case meant benefits like those for former political prisoners, but this time for those who fought against the Soviet Union.

On April 5, Catholic Archbishop Zbignevs Stankevich proposed the idea of making both March 16 (the day of marches in honor of Latvian SS Legion veterans) and May 9 holidays.²²⁷

On March 16, the traditional march of former legionnaires took place in the center of Riga. When acting Mayor of Riga M. Kalve, decided on March 6 to ban all activities planned in the city center on March 16th, citing the threat to public order, the Security Police immediately declared on March 7 that Kalve's decision was a political one, and that it would be easier to ensure security on March 16, if the events were allowed.

On March 8, ombudsman J. Jansons sent a request to Riga City Council regarding the rationale for prohibiting activities on March 16 near the Freedom monument. Then on March 11 he stated: "If these activities are planned as non-violent and with the aim of expressing people's opinions about this date, I see no reason to ban them." On March 15, the ombudsman continued and stated that Riga City Council should not have banned activities on March 16, as it had been clear from the start that the court would cancel this decision.²²⁸

The Administrative Court canceled the Riga City Council's bans on March 12 and 15. About 2,000 people participated in the march. It was attended by Saeima deputies from the National Alliance, including the chairmen of parliamentary Human Rights (I. Murniece) and Economic (J. Kudums) Committees.²²⁹

On July 28, at a gathering of veterans of Estonian SS units in the Estonian town Sinimae, a guest from Latvia, student O. Krigers representing the organization National Power, said that the Wehrmacht was a lesser evil than the Red Army.²³⁰

Glorification of legionnaires affects the most unexpected areas. On May 10, it became known that on March 16, the Pucite kindergarten owned by I. Paradnieks, a Saeima deputy from the National Alliance, and partially funded by Riga City Council was visited by representatives of the Latvian Soldier association wearing Latvian SS Legion uniforms, who demonstrated weapons. When asked about how else the children were educated about the Second World War in kindergarten (the kindergarten's website also named the "enemy"), the teacher said that the curriculum did not include the topic of war, that there was only moral and social education.²³¹

On May 8, a monument to the fallen in the Second World War was desecrated in the town of Vilaka. Two suspects were arrested.

On May 16, it was learned that E. Tabuns (the nephew of former Saeima deputy P. Tabuns) had been married in an SS uniform and used a Wehrmacht cross-country vehicle in the town of Balvi on April 21.²³²

However, when President Berzins, who clearly felt the indignation from a number of countries for glorifying Nazi collaborators, initiated cautious actions to reconcile with the veterans of the Soviet Army in the summer of 2012, Defense Minister A. Pabriks stressed that they should not give up paying their respect to the SS legionnaires, who fought on the side of Nazi Germany.²³³

On November 1, theater director V. Silis gave an interview with the news agency Regnum about his play "The Legionnaires," where he said that members of the "Latvian SS Legion fought for the flag that was on their uniform — the flag of Latvia."²³⁴

On November 3, the head of the Society for the Study of the Occupation of Latvia R. Pazdere supported the SS legionnaires' march on March 16, declaring it an opportunity to "remember the 80,000 Latvian guys who were killed."²³⁵

On November 9, the newspaper Neatkarīgā published an interview with members of a band Vilki, which glorified soldiers of the Latvian SS Legion. "No one can persuade us that legionnaires were bad. We know who they were... If someone is trying to discredit the legionnaires, shooters or partisans, we can protest with a song," they claimed.²³⁶

On November 22, the Administrative District Court upheld a claim of the organization of veterans of the Latvian Waffen-SS Legion — Daugava Hawks in Latvia — against Riga City Council, and compelled the city government to make a public apology in six newspapers for the wrongful ban on the legionnaires' march in the center of Riga on March 16, 2011. The court dismissed the organizers's claim for a 5,000-lat payment, referring to the fact that the ban itself was lifted by the court back in March 2011, and the march took place as planned on March 16.²³⁷

On November 27, in explaining why Latvia had abstained from voting in the UN General Assembly for a resolution on the inadmissibility

of glorifying Nazism, the Foreign Ministry alleged that it did not fully meet human rights standards.²³⁸

In an interview on December 27, the Latvian Ambassador to Estonia, K. Eihenbaums, also tried to make the march on March 16 a common thing by saying that it was just a ceremony, where “people who had been drafted into the German army remember their dead.” “There is no Nazism or Fascism in this event, not even close,” Eihenbaums said, while “forgetting” where specifically these people had been drafted.²³⁹

Latvian legislation entrenches discrimination against veterans of the Great Patriotic War and former prisoners of Nazi camps in terms of social benefits, which are not provided for them, but are guaranteed to former legionnaires of the Waffen-SS and National Partisans according to the laws “On Establishing the Status of a Politically Repressed Person Who Was a Victim of the Communist or Nazi Regime” of April 12, 1995, and “On the Status of National Resistance Movement Member” of April 25, 1996. The budget of the Latvian Ministry of Defense annually appropriates funds to support the National Association of Soldiers (Waffen-SS veterans) and the National Partisan Association (“forest brothers”).

These policies antagonize the world community. On February 2, the annual report of Wiesenthal Center became public knowledge, according to which, the situation with Nazi crime investigations was deteriorating in Latvia; the report also marked as an obstacle the campaign headed by the Baltic countries “*for the purpose of perverting history in order to gain official recognition that the crimes of Communism should be equated with Nazism.*”²⁴⁰

In the fourth report on Latvia of the European Commission against Racism and Intolerance published on February 21, special attention was paid to the events on March 16: the Commission regretted the resolution to allow the procession in honor of SS legionnaires issued by the court in 2010, and expressed concern that some deputies had voted in favor of national recognition of that date. The ECRI noted that it “cannot but express its concern regarding any attempts to justify service in the Waffen-SS and collaboration with the Nazis” (Clause 86).²⁴¹

On June 25, one of the leaders of Simon Wiesenthal Center, E. Zuroff, blamed Latvian authorities for their unwillingness to search for Nazi criminals and said the following about the marches in honor of SS legionnaires: “People who support this march are trying to spread the lie that there is a connection between the SS Legion and the independence of Latvia. This is the greatest lie in the world. What is real is that a democratic and independent Latvia exists today because the Allies won the war, and not the Nazis.”²⁴² Meanwhile, on March 19, the Institute of Latvia under the Ministry of Foreign Affairs, which works on promoting the country’s image abroad, said that the opinion about

Latvian legionnaires and the role of the Legion in World War II was gradually improving in Western countries,²⁴³ which is a blatant lie.

- Glorification of German National Socialism and/or its collaborators supported by local authorities; demolition of monuments to the soldiers of the anti-Hitler coalition; erection of monuments to the soldiers of Hitler's army and Nazi punitive expeditions.

Virtually all activities aimed at glorifying Nazism in Latvia are conducted with the tacit consent, and sometimes with the participation of certain public officials. Special understanding is given to marches of SS veterans and installation of monuments to legionnaires.

The most significant of these is the above-mentioned SS march on March 16, the first day combat of the Latvian Waffen-SS Legion against the Red Army units in Riga and Limbazi, honoring Day of Soldiers the established by Hitler. Saeima deputies from the National Alliance took part in the march in 2012.

On September 14, a monument with symbols of the Latvian SS Legion and the Latvian Armed Forces was unveiled in the town of Bauska in the presence of local council deputies from the National Alliance and schoolchildren. The monument had two inscriptions: "To the defenders of Bauska against repeated Soviet occupation. 1944. 28.07–14.09" and "Latvia must be Latvian," a citation from the book of Karlis Ulmanis, one of the founders of the Republic of Latvia in 1918 and its dictator in 1934–1940. That being said, for the seventh year in a row, the authorities of the town are impeding the erection of a monument to the victims of the Holocaust; and in 2007, they moved the monument to Soviet soldiers who fell during the liberation of Bauska, from the center to the outskirts of the town.²⁴⁴

With their direct or indirect support of glorification of Nazism, Latvian authorities are pursuing several goals at once.

First, confrontation with Russia, which is used by nationalist politicians afraid of rapprochement with the RF.

Second, deepening the split of Latvian society along ethnic lines (Russian-speaking residents of the country, whose relatives fought in the Red Army, will never agree with the glorification of Nazism), which is beneficial for the same nationalist parties, who know very well how to play this card.

Third, the rehabilitation of emigrants who fled from Latvia together with the Nazis in 1944, as today most of them are not only part of the Latvian elite, but also occupy leading positions in the government.

- Glorification of German National Socialism and/or its collaborators in the decisions of the country's authorities.

The majority of SS veterans are classified under the 1995 Law "On Establishing the Status of a Politically Repressed Person Who Was a Vic-

tim of the Communist and Nazi Regime” as politically repressed, as most of them were convicted by the Soviet court for collaboration with the German occupiers and served certain punishment terms. They are guaranteed preferential pensions, free healthcare, public transport benefits and tax payment services.

In 2012, the National Alliance repeatedly spoke about the need to make March 16 an official holiday in Latvia, although no decision on this matter has been made.

On March 16, the National Alliance reported that they had prepared a draft law on establishing “Fighter for the Freedom of Latvia” status for Latvian Waffen-SS Legion soldiers and other regular military units that participated in the struggle against the Soviet Union “within order to prevent re-occupation of Latvia and genocide of the Latvian people.”²⁴⁵

- Historical revisionism, Holocaust denial.

Revising history remains one of the main occupations for nationalist parties and the government. The official interpretation of 20th century history is based primarily on the thesis of the “Soviet occupation,” and the conclusions following from it about the heroism of Waffen-SS soldiers and the auxiliary police units who fought on the side of Nazi Germany and participated in the Holocaust.

Furthermore, official Riga recognized only some collaborators as criminal, namely, the so-called Arajs Kommando, which voluntarily made up the backbone of auxiliary police.

The authorities also prefer not to mention the participation of Latvians in the destruction of the Riga ghetto, and the participation of Latvian Waffen-SS legionnaires in killing civilians, although there is enough evidence for this.

In the center of Riga, there is a museum of the occupation, in which the exhibits are aimed at convincing visitors that the deportation of Latvians to Siberia in 1940 and 1949 can be reasonably compared to the Holocaust.

In 2012, the Ministry of Foreign Affairs of Latvia called an exhibition of the Russian Historical Memory Foundation was dedicated to children deported to Latvia in 1943–1944 defamatory. The plans of Russian historians incurred displeasure of the Latvian authorities, who did not like the theme of the exhibition. The Latvian MFA initially protested against the exhibition “The Deported Childhood” in February 2012, when it was shown in Moscow. The exhibition tells about the children who were deported from Russia and Belorussia to Latvia during the Second World War and placed in a concentration camp, as well turned over to Latvian villagers as workers. In March 2012, the authors of the show — Russian historians Alexander Dyukov and Vladimir Simindey — were denied entry to Latvia and the Schengen zone countries.

On July 30, 2012, in an interview with DDD (“Deokupācija. Dekolonizācija. Deboļševizācija”),* Aivar Brize, a once famous musician, and now an employee of the State Agency for Social Integration in Jurmala, stated that Jews in Latvia should not be claiming restitution of property, but should rather “apologize” for their allegedly enthusiastic attitude when the Soviet tanks entered in 1940, and active involvement in the actions of Soviet authorities (including punitive actions).²⁴⁶ He also noted that the head of the Russian secret police NKVD in Latvia in 1940–1941 was Jewish.

In 2012, the Minister of Justice, G. Berzins, was forced to resign over his disagreement with the government’s intention to give restitution for Jewish property confiscated from Jewish organizations and the Jewish community during World War II.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition	–5
×	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers	–5
×	Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities	–5
×	Historical revisionism, Holocaust denial	–5
	Total for section 12	–20

13. Persecution of veterans and partisans of the anti-Hitler coalition and anti-fascists

Indicators

- Public calls for repression against veterans and partisans of the anti-Hitler coalition and anti-fascists.

* “Deoccupation, decolonization, debolshevization” — *editor’s note*.

After Latvia won the case in the European Court of Human Rights against partisan Vasiliy Kononov, the intensity of emotions against Soviet partisans was on the decline. The authorities probably considered their moral victory sufficient in such a significant case for them. After convicting the Soviet partisan, Latvia actually put itself in a rather difficult position, as in all the time since gaining independence in 1991 it has not convicted a single Nazi criminal. Probably realizing that further persecution of partisans could not create not the reputation for the country in the world arena, Latvia suspended the process of searching for Soviet partisans of the Second World War and bringing them to justice.

- Restriction on the activities of human rights and anti-fascist organizations by the country's government, government bans on anti-fascists' entry to or exit from the country; failure of the authorities to take measures.

On March 14, 2012, Estonian anti-fascist Maxim Reva was arrested in Riga, when he came to Latvia to take part in an international anti-Nazi conference.

After being held in a detention center, Reva's requests to see a doctor and complaints of eyesight problems were ignored, and he was deported to Estonia. Security police employees explained their actions by the fact that Reva was on some kind of list of persons who were banned from entering Latvia on certain dates (this refers to the secret list of anti-fascists, who are forbidden to enter the country on the eve of Waffen-SS day on March 16).

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

As mentioned above, in 2012 the Security Police filed two criminal cases against anti-fascists.

In July 2012, a criminal case was filed against journalist Alexander Gilman for his article about deportation of residents of the republic in 1940s. The case was opened under the Article of the Criminal Law of the Republic of Latvia "On Public Praise, Justification or Denial of Genocide and Crimes Against Humanity." Gilman claimed that life in exile in Siberia in the USSR "was not as tragic as it is usually represented."²⁴⁷

In December 2012, a criminal trial was initiated against the leader of the party For the Native Language (ZARYA), Vladimir Linderman, in connection with his statements about the need to declare the autonomy of Latgale.

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists	0
×	Restrictions on human rights and anti-fascist organisations imposed by the authorities, bans to entry or exit imposed on anti-fascists by the authorities, inaction of the authorities	–5
×	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists	–5
	Total for section 13	–10

14. International aspect

Indicators

- Participation of the monitored countries in the most important international anti-racist and anti-discrimination agreements.

Latvia has joined the major international anti-racist and anti-discrimination conventions, except for the European Charter for Regional or Minority Languages.

Latvia is also a member of the International Convention on the Elimination of Racial Discrimination, although it does not permit filing of individual complaints of violations of the Convention to the appropriate UN committee.

However, Latvia ratified the Council of Europe Framework Convention for the Protection of National Minorities on May 26, 2005, with reservations that repeal some of the provisions of the Convention.

Latvia refused to abide by two articles of the Convention:

Part 2, Art. 10 “ensures the conditions that allow the use of a minority language in relations between these persons and administrative authorities.”

Part 3, Art. 11 stipulates the obligation in areas densely populated by national minorities to “allow the installation of signs for traditional local names, street names and other topographical information for the population, as well in the language of national minorities.”

The Committee of Ministers of the Council of Europe criticized Latvia for these reservations, but this did not affect the position of Latvian government.

In addition, the additional declaration passed by the Latvian Parliament on ratification, explained that non-citizens were not subject to the said Convention; consequently 300,000 people simply dropped out of Latvia area of responsibility in regard to national minorities.

On February 9, 2012, the Saeima also rejected the draft law on ratification of the European Convention on Nationality, signed by Latvia back in 2001, which does not allow denial of naturalization for political reasons.

Thus, it can be concluded that Latvia acceded to the most important international documents aimed at preventing discrimination against ethnic minorities, but the reservations to the Framework Convention, the refusal to accede to the European Charter for Regional or Minority Languages, the refusal to include only citizens of the country in these minorities, as well as the failure to ratify the European Convention on Nationality, largely nullifies its international efforts to combat racism and discrimination. Thus, it can be inferred that Latvia has only partially acceded to these agreements.

- Accession to new international anti-Nazism, anti-discrimination and/or minority rights protection agreements or resolutions of the United Nations and other international organizations during the monitoring period.

Latvia abstained on December 20, 2012, during the UN General Assembly vote in favor of resolution A/RES/67/154 “Glorification of Nazism: the inadmissibility of certain practices that contribute to fueling contemporary forms of racism, racial discrimination, xenophobia and related intolerance” proposed by Russia.

- International declarations and initiatives of governments and leading politicians of the monitored countries against discrimination, Neo-Nazism and xenophobia.

In 2012, there were no recorded international statements or initiatives from the government authorities or well-known politicians of Latvia against discrimination, neo-Nazism and xenophobia.

PRESENCE OF CRITERIA	INDICATORS	SCORE
-/×	Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities	2.5

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period	0
–	International declarations and initiatives of the monitored countries and the leading politicians against discrimination, neo-Nazism and xenophobia	0
	Total for section 14	2.5

CONCLUSION

Implications for the development of the country and society based on analysis of the factors and with regard for the following aspects:

1. Human rights

- *Anti-discrimination guarantees for minorities.*

Art. 91 of the Constitution of Latvia, which contains the provision on universal equality, Art. 78 (“Violation of national and racial equality, restriction of human rights”) of the Criminal Law of Latvia, as well as a number of other anti-discrimination provisions of the country’s legislation are actually in conflict with the Official Language Law, the Law “On the Status of Former USSR Citizens Who Do Not Have Latvian or Other Citizenship,” the Citizenship Law, the Law on Electronic Media, the Law on the Status of Municipal Deputies, as well as amendments (2012) to the Labor Law. Latvia’s refusal to ratify the Framework Convention for the Protection of National Minorities without reservations actually brings the country out of the system of international commitments to anti-discrimination.

The rights of non-citizens of Latvia (300,000 people, the majority of whom are Russian-speaking) have actually no protection under any legislation. In accordance with the reservations to the Framework Convention, non-citizens are not included in the category recognized by the Latvian authorities as minorities. Non-citizens are discriminated in their rights, in comparison with the citizens of the country according to 80 points.²⁴⁸

Thus, ethnic minorities in Latvia are not guaranteed the rights and freedoms guaranteed to them by the fundamental international agreements.

- *Compliance with provisions of the fundamental human rights documents (European Convention for the Protection of Human Rights and Fundamental Freedoms, the European Union's Charter of Human Rights, as well as with the recommendations of the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.)*

Latvia does not comply with the basic provisions of the Framework Convention for the Protection of National Minorities, which together with the contradictions in Latvian anti-discrimination legislation, creates the conditions for discrimination. Latvia's failure to accede to the European Charter for Regional or Minority Languages facilitates the assimilation process that is currently gaining strength and is being supported by the country's authorities.

- *Differentiation of the rights and freedoms of the titular nation and national minorities.*

This discrimination is also present, and above all concerns the rights of national minorities to use their native language, which are stipulated by the requirements of the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, i.e., those international agreements to which Latvia has failed to accede or has ratified with reservations.

- *Legislation that establishes the inequality of minorities.*

The inequality of minorities is established, above all, in the following Latvian laws:

— The Law "On Citizenship," which creates the preconditions for the formation of a non-citizens category and sets priorities for the naturalization process;

— The Law "On the Status of Former USSR Citizens Who Do Not Have Latvian or Other Citizenship," which defines the status of a non-citizen of Latvia and identifies key discriminatory differences between citizens and non-citizens;

— The Law "On the Official Language," on the basis of which the government has issued a list of occupations in the private and public sector where a high level of Latvian language skills is required, which actually forces non-Latvians out of many areas of business;

— The Law "On Electronic Mass Media" includes special restrictions on broadcasting in a language different from the official language, not only for public, but also for private channels.

— Art. 4 of the Law “On the Status of Municipal Deputies” allows for stripping a deputy of his/her mandate for lack of Latvian language skills;

— The Law “On Labor” (revised, 2012) prohibits requiring an employee to have knowledge of a specific “foreign language” (the Official Language Law treats all languages except Latvian and Livonian as foreign), unless its use is included in job duties, or to include a requirement to know a certain foreign language in job advertisement, unless it is “reasonably necessary” in the work.

- *Regulations protecting minorities.*

Some regulations protecting minorities were developed in Latvia in 2012 to a small extent and due to the pressure of European society. Thus, on November 29, 2012, a new Law banning discrimination against individuals conducting business was passed in fulfillment of the EU requirements. The law introduced a ban on discrimination on the grounds of religious belief, age, disability or sexual orientation. However, this legislation, as well as many other anti-discrimination laws, are in conflict with discriminatory practices and legislation on national minorities.

- *Violations of the freedom of speech.*

Almost all criminal cases on hate crime charges were started on the basis of Internet declarations. The issue of coexistence of the freedom of speech guaranteed by the Constitution and Art. 78 of the Criminal Law that punishes incitement to ethnic hatred, remains open, as in many other countries with such dualism in their legislation.

So far, it seems that freedom of speech is used selectively in Latvia: the ruling coalition, secret services and courts actively defend the right of Neo-Nazis and SS veterans to have their marches on March 16 and July 1 (the day of the Nazi occupation of Latvia), but started criminal proceeding against V. Linderman, who mentioned the desirability of an autonomy of Latgale as part of Latvia, as well as A. Gilman, who publicly claimed that not everything was so bad in Soviet exile.

- *Legislation and law enforcement practices in regard to migrants.*

Despite the high level of migrant phobia in society, the subject of migrants is irrelevant for the country. Due to the high level of unemployment and employment problems, as well as the virtual absence of social assistance for migrants, Latvia is not attractive for migrant workers from abroad. On the contrary, in recent years the country has turned into a donor of labor migration to other countries.

Nevertheless, the lack of social support for foreigners temporarily residing in Latvia creates big problems for business migration, as well as for student exchanges, and most of all, for the refugees, although Latvia is doing everything possible not to accept them.

2. Condition of society

- *Risk of breach or non-observance of existing laws aimed at protecting the rights of minorities and discriminatory practices against their representatives.*

Latvia has discriminatory legislation, which implies daily discriminatory practices against ethnic minorities in their use of their own language. Furthermore, the presence in the country of so-called non-citizens actually puts this large (300,000 people) category of people beyond the scope of Latvian anti-discrimination legislation. In this respect, Latvian legislation also documents 80 differences in comparison with the rights of citizens that apply to non-citizens in electoral law, property rights and employment. Refusal to consider non-citizens who are representatives of national minorities as Latvian national minorities places this category of people (16%) not only beyond official statistics, which Latvia is obliged to provide to international organizations, but actually out of the sphere of influence of international monitoring.

Besides the anti-Russian calls, anti-Semitic and homophobic appeals were recorded in Latvia in 2012.

These findings, backed up by the underdeveloped migration legislation (with respect to providing social assistance to foreigners temporarily residing in Latvia), strict language policy, and the presence of discriminatory legislation in regard to minorities, all leads to decreased opportunities for self-fulfillment of residents of Latvia, to further fragmentation of society, to “expulsion” of minorities from social processes and, ultimately, to the weakening of the state.

- *The issue of identity as a manifestation of xenophobia and extremism that affects the identity of minorities, as well as the identity of minorities by the majority (development of social phobias).*

The split into representatives of the titular nation, i.e., Latvians, and Russian speakers in Latvia took place in the early 1990s, when it was revealed that the leaders of the Popular Front of Latvia (PFL) cheated Russian-speaking citizens of the Latvian SSR, to whom a “zero” citizenship option was promised. As stated in 2012 by one of the former leaders of this largest opposition organization at the end of 1980s and early 1990s, Janis Dinevics, “if the PFL had had a radical position from the very start on complete independence of Latvia, as well as denationalization, privatization and keeping the circle of former citizens, then it wouldn’t have been able to recruit 250,000 people.” According to him, changing the original paradigm enabled the Popular Front to create a large-scale organization and have members of the party elected to the Supreme Council, which on May 4, 1990, adopted a declaration

on restoring the independence of Latvia, and in August 1991 voted for complete restoration of independence.²⁴⁹

Today this split in society, reinforced by discriminatory legislation of the LR, creates all the conditions for a high level of xenophobia, which is further supported by the nationalist propaganda from radicals of the National Alliance, as well as from quite respectable leaders of the national conservative Unity party and the Union of Greens and Farmers.

3) Social and economic development of the country

(Whether manifestations of certain forms of xenophobia and extremism affect the social and economic development of the country)

- *Standard of living of the population.*

The standard of living in Latvia is one of the lowest among the EU countries. One of the reasons is destruction of the largest industrial facilities of the Soviet and pre-Soviet period in the process of privatization. The largest of them were the Riga Auto Factory (RAF) and VEF electronics factory, which worked not only for the Latvian, but also for the Soviet market in general. These factories employed over 25,000 people, mostly Russian speakers, who, at the time, came to work in these companies from different regions of the Soviet Union on the invitation from the Central Committee of the Communist Party of Latvia. That was exactly the category of “aliens” that most annoyed Latvian nationalists: people without knowledge of Latvian language and culture, and without an understanding of the history of the Latvian people. They became a powerful influence, which diminished the demographic concentration of Latvians in Riga, bringing a completely different culture and mentality to it.

Therefore, in the 1990s, society had to process the then-popular liberal ideas about the inefficiency of the whole “cumbersome Soviet industry,” the need to abandon it and move to small-scale production. The calculation was that the Russian-speaking residents of Latvia, who came in the 1970–1980s would go back to their homeland (Russia, Ukraine, etc.) after the destruction of those factories.

In 1996, RAF tried to make the last push and enter into an agreement with the Nizhny Novgorod (Russia) GAZ plant to establish a joint car assembly plant to produce special versions of Gazel light commercial vehicles, but the deal was blocked by the Latvian government for political reasons. In 1998, the factory went bankrupt. Its property was sold or leased as shopping areas.

VEF was divided into six small companies, most of which no longer exist. The other three companies, *VEF KTR*, *VEF Telekom* and *VEF Radiotehnika—RRR*, employ from 100 to 200 people each. In 1999, the

factory was privatized and restructures. Thus, the country lost its two major manufacturing companies that were the largest tax payers. Ilya Gerchikov, president of the famous cosmetics company Dzintars, one of the few Soviet enterprises that survived, comments on the situation: “The new authorities closed all the plants on purpose, so that there was no working class, and therefore, no disturbance, and most importantly, so that the Russians would leave. A large-scale exodus of the population started.”²⁵⁰

According to Latvian authorities in the 1990s, Latvia had to generate the main share of its budget revenues by means of transit, i.e., earning income from cargo transshipments at two commercial ports, especially at the Ventspils port, and by transporting goods from Europe to Russia on its roads. However, Latvian politicians largely ruined this line of business: as a result of the policy against Russia and the Russian-speaking population, Latvia’s trade and economic relations with Russia, which provided the highest turnover for the country, sharply decreased. Thus, in the early 2000s, the Polotsk-Ventspils pipeline stopped pumping oil to the Freeport of Ventspils — one of the largest commercial ports in terms of cargo turnover in Latvia. Because of the hostile policy of the Republic of Latvia against Russia and Russian-speaking citizens, the RF has refocused the cargo flow to its national ports in the Baltic Sea, which, in fact, cast doubts about the prospects of the Ventspils port.

- *Economic turmoil and instability.*

Economic problems, as well as economic instability are typical for Latvia. Many of these problems, as mentioned above, were caused by the hostile policy of the Latvian leadership in relation to Russia and Russian-speaking residents of Latvia.

- *Rreduced production growth, workforce emigration.*

The destruction of industry in Latvia, which began back in the middle of the 1990s and was due to the political reasons named above, among other things, led to a significant decrease in production. This process gained new momentum, when the country entered the EU, which was certainly not due to any discriminatory policy, and had exclusively economic reasons. Thus, participation in the system of European economic integration led to the complete destruction of a number of processing industries that had always existed in Latvia and carried a large tax burden. For example, the sugar industry was entirely destroyed, and the fishing industry was significantly reduced.

Without exaggeration, the crisis of 2008, accompanied by the mortgage lending crisis, has affected almost all Latvian families. The overall decline in production led to the departure from the country of many

citizens able to work, some of whom (Russian-speaking) also left it for political reasons. According to expert estimates, over 100,000 employable people have left Latvia.²⁵¹

4. Security and geopolitical stability in the region

- *Political stability in the country.*

Latvia has a rather low level of political stability because of the serious split of the population along ethnic lines and virtual exclusion of the Russian-speaking population from the decision-making process on major issues of political and socio-economic development of the country. This also occurs at the municipal level, as Latvian non-citizens are not allowed to participate even in local elections, although they have no tax breaks compared to citizens of the country. In 2012, the National Alliance showed itself as a destructive factor in this sense, while making its first appearance in the political arena and declaring its program objectives that split the country even further. The referendum on the Russian language in 2012 has also demonstrated that the number of people dissatisfied with the current state of affairs is at least 25% of Latvian citizens; and if we add almost 18% of the country's population who do not have the right to vote, i.e., non-citizens, as well as citizens of other non-EU countries permanently living in Latvia, this share grows to critical dimensions.

- *Impact of domestic xenophobia and extremism on external security, relations with third countries and international security in the region as a whole.*

The policy of discrimination against ethnic minorities, glorification of Nazism and other factors lead to deterioration of relations between Latvia and Russia, which is one of the major trading partners and investors in the Republic of Latvia. Russia is not satisfied with the position of Russian-speaking diaspora, constant threats from the National Alliance, which is part of the ruling coalition, to destroy public Russian-language education, presence and deprivation of rights of non-citizens, the vast majority of whom belong to the Russian-speaking population, as well as glorification of Nazism and attempts to make Hitler's Germany and the USSR equally responsible for the outbreak of the Second World War.

Violation of human rights in Latvia is one of Russia's main arguments in negotiations with the EU, which is a source of irritation for Brussels as well. Attempts by international organizations to ignore discrimination in Latvia are becoming increasingly incomprehensible not only for the RF, but also for part of the population of Latvia itself, which has lately been resorting more often to the mechanisms provided by the Council for Human Rights of the UN, OSCE and the ECHR to assert their rights.

RECOMMENDATIONS

1. *General recommendations for the accession to international agreements and conventions.*

Latvia should withdraw its reservations to the Framework Convention for the Protection of National Minorities, as they largely negate the meaning and spirit of this document.

Latvia should also accede to the European Charter for Regional or Minority Languages, as well as to the European Convention on Nationality.

Latvia should allow filing of individual complaints of violations of the International Convention on the Elimination of Racial Discrimination.

Latvia should support the UN General Assembly resolution A/RES/67/154 “Glorification of Nazism: the inadmissibility of certain practices that contribute to fueling contemporary forms of racism, racial discrimination, xenophobia and related intolerance,” as well as other similar resolutions against Neo-Nazism considered annually by the UN.

2. *General recommendations on revising the legal framework.*

Latvia must dismantle its system of discriminatory legislation against minorities by canceling certain individual aforementioned provisions in the following Laws of LR: “On the Status of Former USSR Citizens Who Do Not Have Latvian or Other Citizenship,” “On Citizenship,” “the Official Language,” “On Electronic Mass Media,” “On Labor,” “On the Status of Municipal Deputies.”

On the way to dismantling its discriminatory legislation, Latvia should give citizenship to all residents of Latvia were living on its territory at the time of its independence in 1991, as well as their children and grandchildren.

It should also be acknowledged that increasing the complexity of referendum rules infringes on the rights of Latvian citizens, impairs the right to direct the legislative initiative of the people of Latvia, who, according to the Constitution, have all the power in the country.

Latvia also needs to develop its migration and anti-discrimination legislation in more detail in the part that concerns the treatment of refugees. In particular, it is deemed necessary to make appropriate changes to the Law “On Social Services and Social Assistance” and the Law “On Legal Assistance Provided by the State,” in order to provide foreigners living in Latvia on a temporary residence permit with general social and legal assistance at the expense of the state.

Popular holidays of the most numerous religious minorities, especially Orthodox Christians, should be declared national holidays.

3. *General law enforcement and human rights recommendations for the executive authorities.*

Until Latvia abolishes the institution of non-citizens, this category of residents should be given the right to participate in municipal elections. A situation where any EU citizen who has lived in Latvia for over six months may elect and be elected to local government authorities, while non-citizens born and raised in this country may not, is not considered acceptable. Also, until this time, the government should lift all labor restrictions for non-citizens, especially in the public service, pharmaceuticals, etc.

Latvia should stop the practice of mass Neo-Nazi rallies on March 16, which involves both Waffen-SS veterans and young Neo-Nazis, as this offends many other residents of Latvia who suffered themselves or whose family members suffered from the actions of Hitler's army, including the SS Legion. In this case, it is suggested to apply the provisions of the General Comment No. 34 to the International Covenant on Civil and Political Rights, which permits "two narrow areas of limited restriction of the right" to freedom of expression, "which may apply with respect to the rights and reputations of others, and protection of national security, public order (*ordre public*), public health or morals."²⁵²

State and public monitoring of the exercise of national minorities' rights to their native language is extremely important. The State Language Center must be liquidated or reorganized, as this structure, which designed to monitor compliance with laws and regulations on the official language, has in fact become a special service funded by taxpayers' money, including Russian-speaking ones, which uses field-work methods to discriminate against Russian inhabitants of the country, including interference in the affairs of business organizations, and imposing heavy fines for insufficient Latvian language skills.

The Ministry of Justice and law enforcement agencies of Latvia should monitor the activities of radical nationalist parties (see Section 8, Chapter "Latvia — Ultranationalist Groups and Parties") with respect to compliance of their activities, including public statements by the leaders, with their statutes and legislation.

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¹²¹ <http://rus.delfi.lv/news/daily/politics/k-lindermanu-i-girsu-nagryanula-poli-ciya-bezopasnosti-obnovleno-v-1145.d?id=42883728>

¹²² <http://rus.delfi.lv/news/daily/latvia/rejniks-v-latvii-malo-sluchaev-etnich-eskogo-nasiliya-no-internet-polon-vrazhdy.d?id=42808420>

¹²³ <http://www.mixnews.lv/ru/exclusive/news/2012-02-01/87825>

¹²⁴ <http://rus.delfi.lv/news/daily/politics/policiya-bezopasnosti-ne-nashla-anti-semitizma-v-slovah-grutupsa.d?id=42288298>

¹²⁵ <http://www.facebook.com/photo.php?fbid=3001273085244&set=o.149730091809236&type=1>

¹²⁶ <http://nra.lv/latvija/75787-dp-nesaks-kriminalprocesu-pec-antifasistu-luguma-par-vainaga-sabojasanu-pie-brivibas-pieminekla.htm>, <http://rus.apollo.lv/novosti/pb-prekratila-poisk-avtorov-pisem-o-russkikh-svinyakh/522637>

¹²⁷ <http://www.chas.lv/politics/314-2011-01-11-10-52-01/22310-antifashisty-zabazar-otvetish.html>

¹²⁸ <http://rus.delfi.lv/news/daily/criminal/oskverniteli-evrejskogo-kladbischapoluchili-uslovyne-sroki.d?id=42210898>

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¹³⁰ A series of deportations from the Baltic countries (as well as from Moldavia, Belorussia and Ukraine) was organized by Soviet authorities in May and June of 1941. Expulsion took place during a campaign with the official name “purification from anti-Soviet, criminal and socially dangerous elements” and their families. In particular, About 15,500 people were deported from Latvia — <http://lenta.ru/news/2012/06/29/gilman/>

¹³¹ <http://daugmalietis.livejournal.com/27010.html>

¹³² <http://www.regnum.ru/news/1514416.html>

¹³³ http://president.lv/pk/content/?art_id=19428, <http://www.ves.lv/article/214312>, <http://rus.delfi.lv/news/daily/politics/berzinsh-ne-tak-vazhno-v-kakoj-den-otmechat-okonchanie-vojny.d?id=42336242>, <http://www.ves.lv/article/214299>

¹³⁴ http://www.president.lv/pk/content/?cat_id=605&art_id=19577

¹³⁵ <http://imhoclub.lv/material/andris-berzinsh-model-upravljenija-evrosojuzomnado-menjat>

¹³⁶ http://rus.tvnet.lv/novosti/politika/209131-przejidjent_probljemu_njegrazhdan_nado_rjeshat

¹³⁷ http://la.lv/index.php?option=com_content&view=article&id=366293:kasts-par-kliejm-un-novecojuiem-priekstatiem&Itemid=43

¹³⁸ <http://www.youtube.com/watch?v=IRQReGgO-YE>, http://la.lv/index.php?option=com_content&view=article&id=367560:mazkumtautbu-padom-diskut-par-aizspriedumiem-un-toleranci

¹³⁹ <http://www.fontanka.ru/2012/12/13/094/>

¹⁴⁰ <http://www.ves.lv/article/209661>, <http://www.ves.lv/article/210446>, <http://rus.delfi.lv/news/daily/politics/mirskij-v1-tbdnnl-ne-voyujte-s-nashimidetmi.d?id=42214292>, <http://rus.delfi.lv/news/daily/versions/yakov-pliner-ne-budite-liho-poka-ono-tiho.d?id=42245150>

¹⁴¹ <http://rus.delfi.lv/news/daily/latvia/kilis-hochet-imet-v-latvii-vysshee-gosobrazovanie-na-russkom.d?id=42440560>, <http://www.mixnews.lv/ru/exclusive/news/2012-02-09/88494>, <http://rus.delfi.lv/news/daily/latvia/kilis-poluchenie-obrazovaniya-na-odnom-yazyke-ustarelo.d?id=42154740>, <http://www.ves.lv/article/227117>, <http://www.delfi.lv/news/national/politics/rektori-atbalsta-svesvalodu-lietojumapalielinasanu-augstskolas.d?id=42688360>

¹⁴² <http://rus.apollo.lv/novosti/v-latvii/obshchestvo/rektor-rtu-vystupil-za-vysshee-obrazovanie-na-russkom?article=2817>

¹⁴³ <http://www.ves.lv/article/227117>, <http://www.delfi.lv/news/national/politics/rektori-atbalsta-svesvalodu-lietojumapalielinasanu-augstskolas.d?id=42688360>

¹⁴⁴ <http://www.mixnews.lv/ru/politics/news/2012-05-20/96329>

¹⁴⁵ <http://www.mixnews.lv/ru/exclusive/news/2012-05-10/95573>, <http://www.mixnews.lv/ru/exclusive/news/2012-05-10/95595>

¹⁴⁶ <http://rus.apollo.lv/novosti/duma-lishit-finansirovaniya-posledovatele-i-det-sada-pucite/2501>

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¹⁴⁹ <http://rus.delfi.lv/news/daily/latvia/ushakov-v-russkih-sadikah-budut-luchshe-izuchat-latyshskij-yazyk.d?id=42389068>

¹⁵⁰ http://kaf.lv/2012/05/vesna_russkoj_kulturi

¹⁵¹ www.ilga-europe.org/media_library/euro_letter/2012/june/freedom_of_assembly2/baltic_pride_2012

¹⁵² <http://rus.delfi.lv/news/daily/politics/partiya-reform-otmezhevalas-ot-nacionalisticheskogo-zayavleniya-vilnitis.d?id=42494258>

¹⁵³ <http://rus.delfi.lv/news/daily/politics/rinkevich-prosit-sejm-ne-diskriminirovat-detej-negrazhdan.d?id=42687820>

¹⁵⁴ <http://www.interfax.ru/society/news.asp?id=231692>, <http://rus.delfi.lv/news/daily/latvia/daugavpils-predlagaet-razreshit-mestnoj-vlasti-govorit-s-zhityelami-po-russki.d?id=42166742>

¹⁵⁵ <http://rus.delfi.lv/news/daily/versions/atis-leinsh-v-kakom-veke-zhivem.d?id=42855864>

¹⁵⁶ http://www.lelb.lv/lv/?ct=lelb_zinjas&fu=read&id=1458

¹⁵⁷ <http://www.mixnews.lv/ru/exclusive/news/2012-12-11/112829>

¹⁵⁸ <http://rus.delfi.lv/news/daily/politics/eks-premer-vse-latyshi-dolzhen-znat-russkij.d?id=42928232>

¹⁵⁹ <http://www.tn2012.cvk.lv/>

¹⁶⁰ <http://rus.delfi.lv/news/daily/latvia/rizhanam-predlagayut-besplatnye-kursy-latyshskogo-yazyka.d?id=42110104>, <http://rus.delfi.lv/news/daily/latvia/daugavpils-skaya-duma-profinansiruet-kursy-latyshskogo-yazyka-dlya-gorozhan.d?id=42163342>, <http://www.iksd.riga.lv/public/45124.html>

¹⁶¹ <http://rus.delfi.lv/news/daily/politics/rodnoj-yazyk-prizyvaet-razmestit-ulichnye-ukazateli-na-dvuh-yazykah.d?id=42170352>, <http://rus.delfi.lv/news/daily/politics/v-rige-poyavyatsya-dvuyazychnye-tablichki-na-ocheredi-ludza-i-daugavpils.d?id=42265482>

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¹⁶⁹ <http://rus.delfi.lv/news/daily/latvia/deputaty-opasayutsya-naplyvabezhencev-s-blizhnego-vostoka.d?id=42845860>

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¹⁷⁸ <http://rus.delfi.lv/news/daily/politics/hermanis-yazykovoj-referendum-test-dlya-predatelej-latvii.d?id=42134776>

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¹⁸³ http://www.peticijas.com/aizvkt_uzvaras_pieminekli_un_aizliegt_komunistu_simbolus

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SUMMARY OF INDICATORS FOR 2012

No.	INDICATORS	SCORE
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-20
2	Xenophobia and inflammatory statements by members of the authorities and media	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	12.5
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
5	Activities aimed at promoting tolerance and preventing extremism	5
6	Status of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	5
7	Incitement of religious and ethnic hatred	-10
8	Radical nationalist groups and parties	-22.5
9	Extremist and radical nationalist public actions	-10
10	Racist attacks, violence and terror	-5
11	Presence, popularity and size of anti-fascist and anti-racist movements	15
12	Glorification of German National Socialism and collaborators of Nazi Germany	-20
13	Persecution of veterans and partisans of the anti-Hitler coalition	-10
14	International aspects	2,5
	Total	-57.5

LITHUANIA

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

Indicators

- Discriminatory legislation affecting minorities residing in Lithuania in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

Lithuania is the only country among Baltic States that adopted the so-called “zero-option” citizenship in 1990, i.e. granted it to all residents of the Lithuanian SSR. For a long time this country was a role model for the countries of the region in policies toward ethnic minorities on a non-discriminatory basis. According to the 2011 population census, national minorities in the country amount to 18% of the population. Polish community is the largest group — approximately 6.6%, followed by the Russian community — 5.6%.

Despite this fact, in 2011 the country adopted the Law on Education, which requires a mandatory unified exam in Lithuanian language and literature for all students. In essence, it discriminates students from national minority schools, where Lithuanian language is taught less than in “ordinary” schools, and pressures their parents to forced “Lithuanisation” of their children’s education.

The new edition of the law does not include the notion of a “national school” or a school for “national minorities.” The law drastically aggravated the position of Russian and Polish schools in Lithuania. If the previous version of the law contained a provision about the right to get secondary education (1st to 12th grade) in their native language (article 30), the new statutory wording states that all topics related to Lithuanian history and geography, world studies and civics should be taught in Lithuanian language.

Looking ahead, it is worth saying that in 2013 Lithuanian government, which was formed by the political left after the 2012 parliamentary elections, heeded the protests of parents and made some concessions, admitting that a lightweight version of the Lithuanian language and literature exam shall be provided for students of ethnic minorities.¹

On January 1, 2011, the 1989 Law on National Minorities in Lithuania became inoperative. The new law was to be prepared by a work group composed of representatives from various agencies, including the Council of National Communities. However, as of 2012, this law has not been adopted. Thus, within the monitored period, national minorities of the country were in a legislative vacuum, which nationalist forces exploited to push discriminatory requirements towards ethnic minorities in the Law “On Education.”

Article 17 of the Law “On State Language” can also be considered discriminatory, as it prohibits bilingual signs in areas of compact settlement of minorities.

- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

Lithuanian legislation does not contain such restrictions. The monitoring did not record any intentions to limit voting rights in 2012.

- Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.

Lithuania is the only country in Europe where the streets are named after collaborators of Hitler’s Abwehr — Kazys Škirpa and Juozas Ambrazevičius. Both were supervising the collaborationist “Lithuanian Activist Front” in the summer of 1941. Ambrazevičius fulfilled responsibilities of a Prime Minister in the Provisional Government of occupied Lithuania from June 23, 1941 to August 5, 1941. The so-called “provisional government” sullied their name with close collaboration with the Nazis in the beginning of the War and participation in crimes against humanity.

Starting from June 22,* 2008, Lithuania semi-officially marks the anniversary of the so-called 1941 June Uprising — when Lithuanian nationalists units began to operate in the rear of Soviet troops. As part of the “Lithuanian Activist Front,” they were known for attacks on the Red Army units, killings of Soviet activists and Jewish pogroms. Thus, the Day of Mourning and Remembrance, which is celebrated throughout

* June 22 — the day of Nazi German attack on the Soviet Union in 1941 — *editor’s note.*

the former Soviet Union, is substituted with celebrations of “Lithuanian liberation from the Soviet occupation,” which is actually equivalent to the celebration of the Nazi occupation of the Lithuanian SSR.

On May 20, 2012, the remains of Juozas Ambrazevičius were solemnly reburied in Kaunas with Lithuanian government’s participation and financial support.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health-care, worship, etc.

Lithuanian authorities are revising the electoral boundaries of predominantly Polish constituencies, which local experts, among others, consider as an attempt to limit the political influence of Polish minorities.²

Restitution of Polish property in Lithuania has still not been resolved.

Lawfulness of restrictions on the right to nominate presidential candidates only if having the Lithuanian “citizenship by descent” remains under question.

World War II veterans who fought on the Soviet side are still being discriminated. They are given a humiliating status of “victims of the Soviet regime,” while their pensions are 5–8 times smaller than pensions of the survived “forest brothers” (anti-Soviet rebels who were often Nazi collaborators).³ At the same time, authorities demagogically claim that the infringement of veterans who fought for USSR does not exist.⁴

Ethnic minorities also demand changing the discriminatory norm of writing names and surnames from Lithuanian transcription to the transcription adopted in the native language of minorities. Lithuania also prohibits bilingual street signs in places of compact settlement of ethnic minorities. Lithuanian State Language Inspection regularly fines the Vilnius County autonomy, which has a large population of ethnic Poles, for installing street signs in Lithuanian and Polish languages.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Discriminatory legislation affecting minorities residing in Lithuania in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	–5
–	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin	0

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication	-5
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5
	Total for section 1	-10

2. Xenophobia and inflammatory statements of the authorities and in the media

2012 was rich with xenophobic statements posed by Lithuanian politicians and media representatives. Some of them are listed below:

On January 7, the Lithuanian Nationalist Youth Union (*Lietuvių tautinio jaunimo sąjunga*), which annually organises a neo-Nazi march along the main avenue of Vilnius, held on March 11 — the day of restoration of Lithuanian independence, organised a donor action “Pure blood of patriots” in honour of 13th of January. Representatives of this organisation, like their colleagues from the Greek neo-Nazi party “Golden Dawn,” who would later hold a similar action in their own country, stated that they will not take blood from homosexuals and members of the “Socialist People’s Front” party, as its leader Algirdas Paleckis questioned the official version of events of January 13, 1991.⁵

At the beginning of January, the head of the European Union’s mission in Afghanistan, the former Minister of Foreign Affairs, member of the ruling Conservative Party Vygaudas Ušachas was forced to justify his statement, quoted by USA’s *Wall Street Journal*: “We had a few years’ respite from the communists while the Nazis were in control during World War II.”

It is commonly known that during such “respite” Nazis murdered 700,000 people in Lithuania: 195,000 Jews (96% of Jewish population in Lithuania), 175,000 Lithuanian citizens of other nationalities, 229,000 captives, 100,000 citizens of other countries.

Director of the Israeli branch of The Simon Wiesenthal Centre Efraim Zuroff responded, “It is incomprehensible that an individual who represents the European Union can refer to the mass annihilation

of Lithuanian Jewry in such grossly insensitive terms, which fail to reflect the historical reality of that period. We urge Ambassador Ušachas to apologize and retract his statement and call upon the European Union to take appropriate measures should he refuse to do so.”

Ušachas later commented that his statement did not reflect his position on the Holocaust, and that he meant that “his family was persecuted by communists.”⁶

On May 17th, the remains of Juozas Brazaitis were transported from USA to Lithuania. On the airfield of Vilnius International Airport, the aircraft was met by government officials, MPs and Ministry of Defence officials. The Honour Guard received the reliquary containing the remains of the deceased and with military honours delivered them to Kaunas — the pre-war capital of Lithuania.

On May 19th, remains of the head of so-called Provisional Government (during the Nazi occupation period) Juozas Brazaitis-Ambrazevičius were solemnly reburied in Kaunas with the participation Lithuanian government and its financial support. Provisional government openly accepted the patronage of Adolf Hitler as a “great leader of the new Europe” who should be supported in the campaign against Bolshevism, and encouraged active persecution of Jews and Soviet activists, which resulted in blatant executions in the first days of the War. MP from the Conservative and Christian Democrat Party (Konservatorių ir krikščionių demokratų partija) Petras Luomanas time made a pompous statement naming Ambrazevičius a “fighter for statehood, independence and freedom of Lithuania, an idealist and a resistant.”⁷ MP had previously distinguished himself by introducing an amendment to the Criminal Code that prohibits questioning the official (positive) assessment of “forest brothers” (the amendment failed).

In the article entitled “Russian language — as an expansion tool,” published on June 10 on the popular website *delfi.lt*, famous political scientist Česlovas Iskauskas intimidated Lithuanians that Russian language “is often used as a tool of cultural and political expansion, displacing our native language, dealing irreparable damage to the foundations of national culture,” and that Russians living in the Baltic States “became the fifth column, which puts spokes in the wheels of European states.”⁸

In October 2012, the deputy director of Varėna city Cultural Centre Marius Galinis, competing in the Lithuanian parliamentary elections on the list of “For Lithuania in Lithuania” coalition (Už Lietuvą Lietuvojė), used a poster depicting him in a tie decorated with the Nazi swastikas. Neither the Central Election Commission, nor the law enforcement bodies have reacted to this.⁹

In January 2012, the court of Klaipėda has once again “rehabilitated” the swastika, acquitting four individuals accused of demonstrating Nazi symbols in February 2010.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Xenophobia and inflammatory statements of the authorities and the media	-5
	Total for section 2	-5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist and anti-extremism legislation, legislation against incitement ethnic and religious hatred in the country.

Article 25 of the Lithuanian Constitution notes that freedom of expression and information is “incompatible with criminal actions — the incitement of national, racial, religious or social hatred, violence and discrimination, defamation and disinformation.”¹⁰

Criminal code of the Republic of Lithuania provides criminal responsibility for crimes against personal equality and freedom of conscience: article 170 — incitement of enmity (hatred) against persons on the ground of their nationality, race, religion or any other group; article 170 (1) — creating and participating in activities (including financing) groups and organisations for the purpose of discrimination and incitement of hatred against a group of persons; article 312 (2) — desecration of graves or other places of public worship... on racial, national or religious grounds. In addition, the relevant qualifying factors are listed as aggravating circumstances in Article 129 (“Murder”), Article 135 (“Grievous bodily harm”), Article 136 (“Minor injury”).

In 2004, Lithuania joined the European Union and was forced to bring its legislation into conformity with the European standards — particularly the EU Council Directive 2000/43/EC from June 29, 2000 on Equal treatment irrespective of racial or ethnic origin. A new Law “On Equal Opportunities” came into force in Lithuania on January 1, 2005. Its goal is to ensure the implementation of equal rights enshrined in the Constitution and to prohibit any direct or indirect discrimination on the ground of age, sexual orientation, disability, racial or ethnic origin, religion or belief.

- Presence and improvement of anti-discriminatory legislation.

Article 29 of the Lithuanian Constitution states: “All persons are equal before the eyes of the law, the court and any other state institu-

tions or officials. Restriction of human rights and privileges on the grounds of gender, race, nationality, language, origin, social status, religion, convictions or opinions are inadmissible.”

Article 26 of the Basic Law guarantees freedom of conscience, noting that “no person shall coerce or be coerced by another person to choose or profess any religion or faith.” Article 37 states that citizens that belong to national communities have the right to their own language, culture and traditions.¹¹

Criminal Code of the Republic of Lithuania provides criminal responsibility for discrimination based on nationality, race, gender, national origin, religion, or other group of people (Article 169). In 1994, Lithuania joined the Convention on the Elimination of all Forms of Discrimination against Women; in 1998, it ratified the International Convention on the Elimination of All Forms of Racial Discrimination.

The new Labour Code came into force in Lithuania on January 1, 2003, establishing in Article 2, part 1 (4) that the principle of equality shall be applied to all subjects of the labour law in the implementation and protection of labour rights and duties provided by the legal acts regardless of their gender, sexual orientation, race, nationality, language, origin, nationality, social status, religion, marital status, age, beliefs or opinions, membership in political parties and public organisations, circumstances unrelated to the qualification of employees.

The new Labour Code was brought in line with EU Council Directive 2000/78/E from November 27, 2000, on the common system of equal treatment in employment and professional occupation.

The law “On Equal Opportunities” also implements the concept of direct and indirect discrimination.

- Compliance of the authorities (central regional, municipal), the law enforcement and judiciary, with anti-Nazi, anti-racist and anti-extremist legislation. Compliance with anti-discriminatory legislation and legislation directed against the incitement of ethnic and religious hatred.

Such legislation is only partially complied with in Lithuania. For example, entering the European Union, Lithuania has ratified the Framework Convention for the Protection of National Minorities, which prohibits aggravating national minorities’ position within the nation-state via new acts or repealing old acts. However, this requirement was violated by the abolition of the Law “On National Minorities” in 2010 and the introduction of a new Law “On Education” in 2011.

Ban on bilingual signs in areas of compact settlement of national minorities that is entrenched in Article 17 of the Law on the State Language is also violating the Framework Convention.

- Responses to hate crime (criminal proceedings against organisers and participants, convictions).

Struggle against hate crime is limited in Lithuania. Real actions against xenophobia are only conducted in response to violent acts or xenophobic vandalism. Other cases end up without a court sentence, or do not reach court or are investigated at all.

According to data released on March 2012, 17 pre-trial investigations were initiated during 2010–2011 in response to actions that are classified as cases of racism in public places. 147 cases of incitement of hatred were brought to trial, however not a single court verdict related to these cases was announced in 2012.¹²

The above-mentioned political scientist Ceslovas Iskauskas received no punishment for his articles that incited hatred against non-Lithuanians. Similarly, authorities did not react to xenophobic threats of Ricardas Cekutis against members of the Parliament (see below), who retained his position in the State Centre for the Study of Genocide and Resistance of the Lithuanian Population.¹³

- Unlawful use of anti-extremist legislation.

In 2010, Article 170 of the Criminal Code of Lithuania was supplemented with an amendment that introduced responsibility not only for public approval, denial or gross understatement of international crimes and crimes of Nazi Germany against the Republic of Lithuania or its people, but also for similar actions related to “crimes of the USSR.”

These amendments were the basis for the trial of a member of the presidium of the International Human Rights Movement “World without Nazism,” chairman of the “Socialist People’s Front” Algirdas Paleckis. He questioned the official version of the events on January 13, 1991 in Vilnius.* Furthermore, the first instance court had already acquitted him on January 18, 2012, and Paleckis was convicted under the retrial.

On June 12, 2012, Vilnius District Court found him guilty of “denial of Soviet aggression” and sentenced him to a fine of 3,000 Euros. The judge Regina Potsene ruled that all sources (several books and articles) cited by the defendant were “not credible” and that they contained “misinformation.” She completely ignored the evidence of twelve witnesses who saw the shooting from the rooftops, as well as lack of proof on who and with what weapons killed each of the 14 victims. Notably,

* That night, when Soviet troops captured the Vilnius TV tower and television center, 14 people were under still not clarified circumstances. Lithuanian authorities immediately blamed the Soviet troops in the killings, but could not prove it. Moreover, more witnesses recall that unidentified persons were shooting from the rooftops into a crowd of civilians. Bullets from old rifles and shotguns were found in some of the dead bodies — *editor’s note.*

Prime Minister of Lithuania Andrius Kubilius publicly endorsed the verdict, stating that such decision is “European practice.”¹⁴ Lithuanian prosecutor’s office expressed its willingness to pursue persons who had testified on Paleckis’ part for “perjury.”¹⁵

Leader of the “Electoral Action of Poles in Lithuania,” MEP Valdemar Tomaševski was accused of inciting ethnic hatred for his tough defence of national minority rights and for stating that local Poles do not have to integrate, since they are native inhabitants and not aliens.

The 2008 law that prohibited the use of Soviet and Nazi symbols continued to act in Lithuania. That being said, the law enforcement practice under this act had greatly differed in respect to Soviet and Nazi symbols during the monitored period. On June 21, it was reported that a resident of the Lithuanian capital was punished with a fine of 500 litas (150 euros) for demonstration of Soviet symbols on a car number plate.¹⁶

On the other hand, on January 25th Klaipeda district court had repeatedly acquitted four men who were accused of publicly demonstrating signs resembling a swastika during the procession on February 16, 2010. The trial was attended by the organiser of the march, Milvydas Juškauskas. He expressed his confidence that the swastika should not be associated with Nazi Germany; on the contrary, it should be associated with Lithuania, as it is “our heritage.”¹⁷

When the deputy director of the Varėna’s Cultural Centre Marius Galinis, competing in the Lithuanian parliamentary elections on the list of “For Lithuania in Lithuania” coalition (Už Lietuvą Lietuvoje), used a poster depicting him in a tie decorated with the Nazi swastikas, neither the Central Election Commission nor the police responded.¹⁸

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-Nazi, anti-racist and anti-extremism legislation, legislation against incitement ethnic and religious hatred in the country	5
×	Presence of anti-discrimination legislation	5
-/×	Compliance of the authorities (central regional, municipal), the law enforcement and judiciary, with anti-Nazi, anti-racist and anti-extremist legislation. Compliance with anti-discriminatory legislation and legislation directed against the incitement of ethnic and religious hatred	2.5
-/×	Counter-actions against hate crimes (criminal cases against organisers and participants, convictions)	2.5

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Unlawful use of anti-Nazi, anti-discrimination and anti-extremist legislation	-5
	Total for section 3	10

4. Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

There were several such statements. Some of them are listed below:

In March, a number of prominent Lithuanian politicians opposed the nationalist procession in Vilnius, held on March 11. Prime Minister Andrius Kubilius stated:

“It hurts me; I regret that this holiday, which was supposed to be a celebration of love for Lithuania, increasingly becomes a day of hatred towards someone. I do not want to agree with such turn in March 11 celebrations.”¹⁹

The ideological leader of the ruling Conservative Party, Member of the European Parliament Vytautas Landsbergis noted that the sounding at the procession “slogan ‘Lithuania for Lithuanians’ is bad, it incites and divides. Especially when provocateurs can insinuate into such activities.”²⁰

Leader of the “Liberal Union” party and Minister of Transport Eligijus Masiulis noted that fear is one of the main reasons for the march:

“It is the fear that the ones who live near us will make us different. It is the devouring disease of weakness, which infected the people of the Grand Duchy of Lithuania and reduced it to three million, and continues to destroy. It turned us into pusillanimous, browbeaten and pathetic cowards.”²¹

However, it seems that such unanimity was largely caused by the EU’s displeasure with neo-Nazi marches in the capital of Lithuania. In any case, the reburial of the collaborator J. Ambrazevičius was only protested by the head of the parliamentary committee on foreign policy Emanuelis Zingeris. He stated, “the provisional [Ambrazevičius] government cannot be considered a moral compass” in the establishment of a civil society.”²²

No other statements against xenophobia from influential Lithuanian politicians were noted.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
	Total for section 4	5

5. Activities aimed on promoting tolerance and preventing extremism

Lithuania’s report to the UN Human Rights Committee in March 2012 noted that in order to develop intercultural dialogue and tolerance in Lithuanian secondary schools, formation of tolerance has been included in the programmes of primary, basic and secondary education. These include curriculums of such courses as “world studies,” “basics of civics,” ethics, religion, geography, law, philosophy and religious studies.

Schools hold a variety of events to mark the International Day of Tolerance and International Holocaust Remembrance Day.

It was also stated that Lithuania has adopted a number of measures for Roma integration by developing special programmes in education and employment. Thus, programmes for Roma employment were carried out within the framework of the United Nations project “Meet the Roma.” The State Roma Community Centre set up a Vilnius employment office’s information stand. The state provided the funding for nurseries for Roma children. In early 2012, a three-year plan for Roma integration was developed. It was estimated that the programme would be financed by 1.4 million litas would from the state budget and 2 million from the EU budget.²³

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Activities aimed at promoting tolerance and preventing extremism	5
	Total for section 5	5

6. Status of migrants and society's attitude towards migrants, foreigners, different ethnic groups

Indicators

- Presence and improvement of immigration law.

The status of immigrants is regulated by the Law “On the Legal Status of Foreigners” adopted in 2004, amended in 2006, 2008 and 2009 due to the adoption of the EU Regulation 562/2006 from 15 March 2006, which regulates the movement of persons across the borders (The Schengen Borders Code).

Article 3 of the Law declares that migrants shall enjoy the rights and freedoms provided by the Constitution of the Republic of Lithuania, international treaties, legislation of the Republic of Lithuania and legal acts of the European Union, and are equal before the law, regardless of gender, race, nationality, language, religion, origin, social status, beliefs, convictions or opinions. According to the Law, immigrants can obtain a permanent residence permit, particularly when establishing a business in Lithuania.

The minimum income requirement in obtaining citizenship is established by the Ministry of Labour. Exceptions are made for the victims of human trafficking, refugees, etc. Temporary residence permit is granted to migrant workers, persons intending to marry Lithuanian citizens, ethnic Lithuanians — citizens of other countries, students, those coming for family reunification, those seriously ill and in need of urgent medical assistance.

The same law stipulates the procedure for granting refugee status and complementary protection.

In general, migration legislation of the Republic of Lithuania fully complies with European standards.

- Authorities' compliance with such legislation (law enforcement practice).

This legislation is partially upheld. There have been certain violations related to politically motivated restrictions on entry into the country.

Lithuanian migration is generally unbalanced: more people are leaving the country than entering it. In 2012, 41,100 people emigrated from Lithuania (almost 1.5% of the population).²⁴ Large Lithuanian communities have appeared in various countries. 100,000 Lithuanians reside in the UK alone, as of 2011.²⁵ The country does not serve as a significant transit point to Western Europe. At the same time, according to preliminary data of the Population Register, 31,403 foreigners resided in Lithuania in early 2012, representing 0.98% of the total population.²⁶

Most of the foreigners are citizens of European countries (24,433 people, or 77.8% of all foreigners living in Lithuania). Lithuania has 4,314 stateless persons, which is 13.7% of all foreigners. Over the past five years, their number halved. The third largest group of foreigners consists of citizens of 27 Asian countries (1,887 people, or 6.0% of all foreigners). More than half of them (52.5%) are citizens of Israel (390), China (320) and Kazakhstan (280). In 2011, the number of Asian citizens living in Lithuania increased by 5.4%.

The number African natives in the country is also growing. Citizens of 26 African states currently reside in Lithuania; however, their total number is small — 198 people, or 0.6% of all foreigners. Two-thirds of Africans living in Lithuania (65.8%) are citizens of Nigeria (58), Egypt (57) and Tunisia (16). In early 2012, Lithuania housed 90 citizens from Central and South America (0.3% of all foreigners). Most of them arrived from Brazil (21), Mexico (17) and Peru (12). In a year, their number had increased by 15.4%.

In these conditions of limited foreign presence, Lithuania clearly complies with its immigration law.

At the same time, there have been cases of politically motivated bans to entry into the country and deportation attempts, mainly associated with natives of Belarus.

Junior sergeant of Belarusian army Stepan Zaharchenko had deserted the army and fled to Lithuania after refusing to sign a paper allegedly ordering to shoot civilians in the event of riots. Lithuanian Immigration Department refused to grant Zaharchenko political asylum and in September 2012 decided to deport him back to Belorussia, where his life could have been in real danger.²⁷

Unreasonable restrictions to entry into Lithuania were imposed on Belarusian “Green” activists Tatiana Novikova and Nikolai Ulasevich, who are actively protesting against the construction of a nuclear power plant in Lithuania, Belarus and the Kaliningrad. They were supposed to visit Lithuania on invitation from the organisers of a parliamentary conference “Lithuania — Belarus: nuclear neighbourhood” that was held on September 26, 2012. However, Lithuanian Foreign Ministry requested that their entry is rejected, alleging that the activists threaten national security, international relations and public order (in 2013, these decisions were overruled by the Vilnius District Administrative Court). Foreign Ministry’s evidence that served as grounds for the entry ban was classified, and Novikova’s and Ulasevich’s lawyer was denied access to this information.²⁸

- Discriminatory practices against immigrants.

Discriminatory practices against immigrants were not recorded in 2012.

- Use of the “ethic crime” theme in order to discriminate against migrants.

The subject of ethnic crime was not relevant for Lithuanian society and is on the periphery of its attention.

- Social welfare for immigrants.

In general, foreigners with a temporary residence permit in Lithuania enjoy the same fundamental social rights and privileges as Lithuanian citizens.

Article 107 of the Law “On Legal Status of Foreigners” guarantees foreign residents the conditions for integration in the political, social, economic and cultural life of the country in accordance with procedures established by the legislation.

Types of government support include: language training, education, employment assistance, housing, medical care, as well as informing the public about measures for supporting immigrants. At the same time, Article 108 obliges foreign nationals who receive social welfare benefits to file income declarations.²⁹

In the mid-90s, European Union, fearing an inflow of the refugees through Lithuania, provided significant financial assistance to the country during the development of the asylum system. Finland took part in the repairs of Refugee Centres and in training of relevant officials. The flow of refugees that they were so afraid of ever happened. Lithuania is a poor country and does not attract asylum seekers. In addition, after Lithuania’s accession to the EU, European system of fingerprinting made it difficult for refugees to get to Western countries through Lithuania, they returned to their place of registration — to Lithuania.

- Negative attitudes towards immigrants, foreigners, different ethnic groups.

Anti-Polish sentiments is the most notable aspect of Lithuanian society, since Poles are the largest national minority in Lithuania. These sentiments are fuelled by the historical memory (Lithuania was part of Poland for a long time, added to the 1920–1939 Polish invasion in Vilnius) and demands of the Polish minority to set up bilingual street names in the places of their compact settlement. The latest demand was perceived by the public as a first step towards the establishment of an autonomy.

Anti-Semitism is mainly cultivated among radical nationalists, but not used in political propaganda. Russophobia is generally used by some politicised intellectuals.³⁰ However, with the equalisation of the USSR to the Third Reich, young minds are equating Russia to the Soviet Union. Thus, during the monitored period, the contest of children’s

drawings dedicated to the Soviet “occupation” presented drawings where the Soviet tanks were depicted under the Russian flag. In a survey conducted by the American Sociological Institute on December 13, 2012, 57% of Lithuanians stated their positive attitude toward the Russian minority, while only 38% of Lithuanian population have the same attitude towards the Polish minority.³¹

Preliminary investigations in this field, initiated in 2010–2011 can serve as an indicator of the spread of xenophobia in Lithuania. 32 cases placed under investigation were related to Polonophobia (anti-Polish sentiments), 14 were related to Antiziganism (anti-Roma sentiments) and 4 cases were related to Russophobia and hatred toward black people.³² Thus, we can state the prevalence of Polonophobia and Antiziganism in Lithuanian society.

Significant development of homophobia can also be mentioned. According to data published in March 2012, there were 210 cases and pre-trial investigations related to homophobic insults in 2011.³³

At the same time, population poll conducted in early March 2012 showed that only 13.3% of Lithuanians approve the annual marches with such slogans as “Lithuania for Lithuanians.” 44.4% of respondents condemned the march and believed that it shames Lithuania. Although, the presence of a huge (41%) group who are unsure of their attitude towards these processions means that this ratio may change. Marches are most often negatively viewed by the educated city residents aged 25 to 45 with above-average incomes.³⁴

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence and improvement of immigration laws	5
-/×	Authorities' compliance with such legislation (law enforcement practice)	2.5
-	Discriminatory practices against immigrants	0
-	Use of the “ethnic crime” theme in order to discriminate against immigrants	0
×	Social assistance for immigrants	5
×	Negative attitude of the society towards immigrants, foreigners, various ethnic groups	-5
	Total for section 6	7.5

7. Incitement of religious and ethnic hatred

Indicators

- Calls for ethnic and religious hatred in mass media and mass communication, graffiti.

Calls for ethnic hatred are most often recorded in the period of the now-traditional marches of Lithuanian radical nationalists on February 16th (Lithuanian Independence Day — 1918) in Kaunas and on March 11th (Restoration of Independence — 1990) in Vilnius.

The main slogans of the procession in Kaunas are: “Lithuania for Lithuanians,” “Today the street — tomorrow the Seimas,” “Hungary, don’t surrender,” “Stake the communists,” “Brussels, get out of Lithuania!”³⁵ Calls that sounded in Vilnius were not very original in this sense: “Lithuania for Lithuanians,” “Not for West and not for East — Lithuania is for Lithuanian children.” A few banners stood out among the many: “Skinheads for native Lithuania, race and nation,” “Today the street — Parliament tomorrow.”

As for xenophobic media publications, these (if we exclude the glorification of collaborators) were mainly found on the internet. For example, on the eve of February 16th — the Day of Restoration of the Lithuanian independence, a famous Lithuanian actress Eglė Jackaitė stated that she does not associate this celebration with a real holiday, which spawned a fund raising campaign on the internet to “help Jackaitė immigrate from Lithuania.”³⁶

At the same time, “Respublika” — one of the largest newspapers in the country — became an informational sponsor of the neo-Nazi rock band concert, held on March 11, 2012.³⁷

The same newspaper, “Respublika,” which adopted a new motto — “The newspaper for real Lithuanians,” published an interview with the leader of “Dictatorship” Pinčiukas (pseudonym). The interview was accompanied by a photo of him with a Lithuanian tricolour and a black beret decorated with a swastika-like sign.³⁸

In 2012, Lithuanian media tried to ignore manifestations of radical nationalism in the country. Thus, after the nationalist march on February 16th, 2012 in Kaunas, the Central state television “LRT” broadcasted the procession in the news programme “Panorama” commenting: “National youth in Kaunas held a procession to honour the Independence of Lithuania.” Popular news portal www.delfi.lt reacted similarly, posting a short headline about a “national youth” demonstration in Kaunas.³⁹

Another popular website, www.lrytas.lt, published an interview with an antifascist historian David Katz, who had observed the march from the UK and criticised its participants. 80% of comments under this article were aggressive against Katz and Jews; some had appeals to physical violence against them.⁴⁰

In February, debates over attempts to equate Nazism and communism continued in the media. Presenter of a radio show “Raktas” on the “News Radio” (“Žinių Radijas”) Audrys Antanaitis could not understand how Nazism differed from communism, “because there were victims in both cases,” “and the Jewish genocide in Lithuania was not our initiative.”⁴¹

One of Lithuanian neo-Nazi leaders, Marius Kundrotas, tried to prove that communists “also eliminated entire nations” citing the relocation of Chechen and Ingush people during the Second World War. He also strongly defended the “Lithuanian Activist Front” (“Lietuvių Aktyvistų Frontas”), which was directly involved in mass murder of civilians in Lithuania. Only a Social Democrat MP Vytenis Andriukaitis argued against equating Nazism to communism.

- Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.

There are several musical groups in Lithuania that promote xenophobia. Most famous of them is “Dictatorship,” which is known for their song about the murder of all nations living in Lithuania, except Lithuanians (“All Poles have been hanged, Russian have been slaughtered and are lying by the fence, Jews are burning in the furnace, and only real Lithuanians are all alive”),⁴² and “Autonomous resistance.”

On January 14, youth nationalist groups organised an annual concert “Rock Against Communism 2012,” where, the above-mentioned “Dictatorship” appeared along with other questionable “rock bands.”⁴³

The concert of local and foreign neo-Nazi rock bands also took place in Vilnius on March 11, participated by Lithuanian “Dictatorship.” One of the largest newspapers in the country, “Republic,” became an informational sponsor of this concert.⁴⁴ In mid-April, the fascist skin-head rock band “Autonomous Resistance” (“Autonominis pasipriešinimas”) held a concern in Vilnius. Money collected from the audience, went to pay fines for inciting national and racial hatred.⁴⁵

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts	-5
	Total for section 7	-10

8. Radical nationalist groups and parties

Indicators

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).

There are several extreme right parties in Lithuania — “Young Lithuania” (leader — Stanislovas Buškevičius), the National Unity Alliance (leader — Algimantas Matulevičius), “National Solidarity,” the Lithuanian Centre Party (leader — Eugenijus Skrupskyalis), Lithuanian Union of Social Democrats (leader — Arvydas Akstinavičius) and the Union of Nationalists (leader — Gintaras Songaila). In addition, there are organisations such as the “Lithuanian Union of National Youth” (leader — Julius Panka) and the “Lithuanian National Centre” (leader -Ricardas Cekutis).

On March 19, 2012, leaders of the Lithuanian Centre Party, the National Unity Alliance, the Lithuanian Union of Social Democrats and Union of Nationalists signed a declaration on the establishment of an alliance “For Lithuania in Lithuania.” Later, the “Lithuanian National Centre” joined the coalition. Coalition’s programme contains direct hints that minorities represent a threat to Lithuania and proposes measures to “monitor” them.⁴⁶

- Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.

Young Lithuania’s programme emphasises “Lithuanianism” and religious education, accusing cosmopolitanism and “Europeanism” of destroying Lithuanian identity.⁴⁷

Nationalist Union in its programme demands protection of the national culture, by which the party means just the Lithuanian ethnic culture. It also proclaims part of Belarusian territory as Lithuanian ethnic lands, as well as the Kaliningrad region of the Russian Federation (called “Konigsberg” in the programme) and advocates displaying ethnicity in Lithuanian IDs. In addition, Nationalist Union’s programme demands prosecution of “sexual perversion” and gay marriage propaganda. The party also seeks to prevent the entry of “alien ideas” in Lithuania. Another point of the party’s programme is recognition of the alleged Lithuanian genocide that supposedly took place during the Soviet period.⁴⁸

On December 17, “Nationalist Union” party made a statement where, pointing to participation of Poles in the Lithuanian ruling coalition, it claimed that the coalition represents a “threat to the fate of the

nation and state” and called upon the “national elite” to join at the upcoming meeting of “nation’s representatives.”⁴⁹

“Lithuanian National Centre” advocates “Lithuanian Lithuania.” It demands to stop immigration (including labour immigration) and rejects the primacy of international law over the Lithuanian. The Centre also urges to stop granting citizenship for any reason other than origin. The party also claims that there is an ambiguous approach to criminals that are non-Lithuanians and therefore requires “objective consideration of crimes” committed by such people. LNC also opposes “propaganda of sexual perversions,” referring to LGBT awareness campaigns. The Centre has also called for the maintaining the “Lithuanisation” of schools.⁵⁰

On April 11th, chairman of the neo-Nazi “Lithuanian National Centre” Richardas Cekutis, who also acts as an organiser of neo-Nazi marches on March 11th and is a deputy editor of one of the biggest newspapers in the country — “Republika,” as well as a member of State Genocide and Resistance Research Centre of Lithuania, attacked several MPs on Facebook with direct threats of violence:

“In a nationalist state, such figures as Austrevicius, Andriukaitis and Karosas would be shot without hesitation, and it would be right — for treason. Besides, you will see this very soon...” /.../ It would be enough to shoot a few hundred Brussels and Moscow sycophants in Lithuania, can we call it aggression? It is a necessity, to throw out garbage. In order to do this, the article on death penalty should be returned to the Criminal Code.” / ... / “I see now that it would not be enough to put a few hundred (people) against the wall... But it doesn’t matter; it would serve as a preventive measure to others.”⁵¹ Authorities have not responded to this statement in any way.

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.

So far, the extreme right has limited influence over Lithuanian society. Nationalist parties receive minimal votes during elections (1–3%). “For Lithuania in Lithuania” coalition also failed in the parliamentary elections of October 2012, not even gaining 1% of votes. According to experts, this is largely due to lack of popular topics in their propaganda. In Lithuania — a country where 85% belongs to the titular nation — Lithuanians, the subject of Russian “assimilation threat” is hard to “sell.”⁵² This is not plausible, and it is understood by most voters.

However, certain political forces promote individual leaders of the nationalist movement to certain public positions and media.

For example, the infamous Marius Galinis, pictured on a campaign poster in a tie with Nazi symbols, was appointed as deputy head of the

State Varėna Cultural Centre. A known nationalist R. Cekutis is, as mentioned above, a deputy editor of one of the biggest newspapers in the country and a member of the state Genocide and Resistance Research Centre of Lithuania.

There is also an evident trend of “promotion” of nationalist organisations. For example, on April 24th, it was reported that “Lithuanian Nationalist Youth Union” was adopted as a full member to the Council of Lithuanian Youth Organisations — the main coordinating body of youth policy in country. The council includes all major youth organisations in Lithuania, mostly youth divisions of different political parties.

19 members of the Council voted in favour of full membership of young neo-Nazis and 7 members abstained from voting; none of the members voted against.

“This is a decision of the entire Council, no statements against the membership were expressed, on the contrary, there was a lot of support,” president of the Council Loreta Senkutė commented on the decision, “We are looking for what unites us and not what divides us.” Senkute, however, did not specify what exactly unites the members of the council and the young neo-Nazis.⁵³

Results of public opinion polls are also alarming, according to which 13% of Lithuanian population supports the slogans of the marchers, and 41% cannot decide whether they are good or bad.⁵⁴ The latter likely means that respondents support ultra-nationalist slogans, but are ashamed to admit it. So far, this support is not converted to support of neo-Nazis in the elections, but the situation can quickly change, as evidenced by the “Svoboda” party in Ukraine. Therefore, the influence of radical nationalists can be considered limited in civil society.

- Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.

During the municipal elections that took place in Lithuania in 2011, nationalists could not achieve significant representation.

The following nationalist parties participated in the elections: “Young Lithuania,” which succeed in passing its member into the position of vice-mayor of Kaunas,⁵⁵ as well as the two parties that later merged into “For Lithuania in Lithuania” — the Lithuanian Centre Party (won 6 seats in municipal councils) and the nationalist Lithuanian Union of Social Democrats — 19 seats (given the total number of deputies is 1,500 people, nationalists managed to get a little more than 1.5% of the seats.)⁵⁶

- Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.

In 2012, Lithuanian Parliament had two nationalist MPs from the Nationalist Union. However, they were elected as candidates from the ruling “Homeland Union” party,⁵⁷ which is why they will not occupy these seats after the end of their mandate.

There were also cases of government connivance and even direct support of nationalists. Neo-Nazis identified in the Lithuanian army in 2011 were never dismissed from the service, because of their admirers at the “top.”⁵⁸

In July, the National Youth Union of Lithuania — main organiser of neo-Nazi marches on March 11 — held their summer camp in east Lithuania, receiving financial support from the state “Culture Support Fund” amounting to 3,000 euros.⁵⁹

In December 2012, for the first time in several years, the Vilnius municipality did not allow nationalists and neo-Nazis organise a procession on March 11 to honour the restoration of Lithuanian independence on Gediminas Avenue. Nationalists responded, stating that they will organise the march without any formal permission from the city authorities and threatened with a lawsuit. They were able to collect signatures from a number of MPs from all major fractions.

However, in general, we cannot claim that there was a significant nationalist influence over the ruling party and the central government in Lithuania.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities)	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities	-5
-/×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations	-2.5
-	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies	0
-	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies	0
	Total for section 8	-12.5

9. Extremist and radical nationalist public actions

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

Such cases were not recorded by the monitoring in 2012.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

In 2012, there were three sanctioned mass marches in Lithuania, traditionally participated by nationalists. On January 13, marking the 21st anniversary of the January 13th, 1991 tragedy in Vilnius, nationalists organised a torchlight procession in one of the central areas of the capital; on February 16, 2012, Lithuanian Nationalist Youth Union (LNYU) held a procession in Kaunas, dedicated to Lithuanian Independence Day (1918); on March 11 — the Day of the restoration of Lithuanian independence (1990), the largest nationalist demonstration was held in Vilnius (see below).

In addition, on January 7th, Lithuanian Nationalist Youth Union organised a donor action “Pure blood of patriots in honour of January 13th.” Organisation’s representative stated that they will not take blood from homosexuals and members of the “Socialist People’s Front,” as its leader Algirdas Paleckis questioned the official version of events of January 13, 1991. Human rights activists have responded with statements that nationalists sow discord in society with such discriminatory actions.⁶⁰

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

As already mentioned in the previous section, on January 13, 2012, in honour of the 21st anniversary of the Vilnius tragedy in 1991, nationalists organised a torchlight procession that gathered 250 people in one of the central areas of the capital, the cemetery where victims of January 13th were buried. According to the organisers, torches symbolise the desire to “burn out the cosmopolitan infection from the hearts of Lithuanians.” Members of Lithuanian parliament Kazimieras Uoka and Gintaras Songaila, who is also a leader of the new “Nationalist Union,” marched together with the nationalists.⁶¹

On February 16, the Lithuanian Nationalist Youth Union (“Lietuvių tautinio jaunimo sąjunga”), as well as other neo-Nazi and nationalist groups and individuals held their traditional annual procession in Kau-

nas, the second largest city in Lithuania with an official permission from Kaunas administration.

Around 300 participants of the procession walked along the main street of Kaunas and finished in a rally at the square. This event was attended by a former Deputy Prime Minister of Lithuania Zigmantas Vaišvila and two members of the Lithuanian Parliament — Kazimieras Uoka and Gintaras Songaila, who is the leader of the newly established party “Lithuanian National Union” (Lietuvių Tautininkų Sąjunga).

The main slogans of the procession and final rally were: “Lithuania for Lithuanians,” “Today the street — tomorrow the Seimas,” “Hungary, don’t surrender,” “Stake the communists,” “Brussels, get out of Lithuania!” During the procession, nationalist leaflets were handed around, containing signatures of five Lithuanian MPs at the bottom: Conservative Vida Marija Čigrijienė, independent deputy Rima Baškienė, and members of the “Lithuanian National Union” Gintaras Songaila and Kazimieras Uoka.

Participants of the procession carried a flag of the Lithuanian Nationalist Youth Union — a stylised three-pointed red swastika on a white background. People responsible for the order of procession wore white bandages on their hands. It is well known that white bandages were the distinctive mark of Lithuanian collaborators, who actively helped Germans in 1941–1944 to “maintain order” and massively execute Jews and other civilians. Some marchers demonstrated the Nazi salutes, by extending their right arm forward.

Finally, the largest nationalist public action during the monitored period was held on March 11. The procession in Vilnius, dedicated to the restoration of Lithuanian independence in 1990 gathered from 1,000 to 2,000 people, according to various estimates. The action was organised by the Lithuanian Nationalist Youth Union and the Lithuanian National Centre. Among the marchers, there were skinheads wearing leather jackets and military boots decorated with stylised swastikas.

The march was also participated by “guests” from Poland, Latvia, Belarus, Italy, Germany, Sweden and other countries. Demonstrators were congratulated in letters from the British National Party leader Nick Griffin, who wished them good luck “in fighting against globalism and those who destroy the nation.” A similar greeting was sent by the representative of the National Democrat Party in Sweden Bjorn Lof. Procession started with chanting of already traditional slogans and appeals “Lithuania for Lithuanians,” “Not for West and not for East — Lithuania is for Lithuanian children.” A few posters also stood out: “Skinheads for native Lithuania, race and nation,” “Today the street — Parliament tomorrow.”⁶²

The nationalist march was attended by the signatories of Lithuanian Independence Act in 1990 Romualdas Ozolas, Algirdas Patackas,

MPs Kazimieras Uoka, Gintaras Songaila, Petras Gražulis, as well as representatives of the parliamentary party “Order and Justice,” members of non-parliamentary parties and the National Unity Alliance and “Union of Social Democrats of Lithuania.”⁶³

On June 23rd, the day of the proclamation of Ambrasevičius government (1941), members of the Nationalist Union, under the supervision of G. Songaila and members of the “Lithuanian National Youth Union” gathered at one of the central bridges in Vilnius, near the post-war sculptures to Soviet soldiers. They demanded to remove the sculptures and transfer the remains of Józef Klemens Piłsudski from Vilnius to Poland.

Speakers at the rally stated, “Indeed, it is absurd. Would you be able to find monuments to the German SS or Wehrmacht in Paris?”, calling Piłsudski’s grave a “pantheon for the traitor of nation.”⁶⁴

- Presence of “football xenophobia” and racism amongst sports fans.

Racism is widespread amongst Lithuanian sports fans. They are best remembered for the incident at the 2012 Summer Olympics in London, when during a match between Lithuanian and Nigerian teams, one of Lithuanian fans was arrested for racist shouts against African players.

Lithuanian football fans have repeatedly embroiled in racially motivated conflicts. One of the biggest scandals in Europe took place during the 2008 European Football Championship qualifying games, when Lithuania played against France. Lithuanian fans raised a flag depicting the African continent filled in with the French tricolour. The flag read: “Welcome to Europe.”

Black football player Adebayo Akinfenwa, who previously played for the Klaipeda Atlantas FC and is currently playing for the British Northampton Town FC talked about racism on the tribunes of Lithuanian stadiums. In an interview with a UK’s dailymail.co.uk, he said that during 2001–2003, when he played for the Lithuanian team, he was subjected to racist insults and threats from fans. He said that one episode had stuck in his memory when an 11 year-old girl ran up to him and said, “I feel sorry for the white race,” and threw up her hands in a Nazi salute.⁶⁵

Paulinho, a midfielder of the British “Tottenham” FC, recently confessed that he was about to put an end to his career because of racist abuse when he played in Poland and Lithuania. “There were two games when I went out to play, the fans were making monkey noises and throwing coins at me and I just thought: ‘I don’t need to tolerate this.’ So I made the decision to move on. I just felt I didn’t need to do something that put me in those kinds of situations. I felt a responsibility towards my mum and dad and I spoke an awful lot with my wife. She mentioned that my parents had always backed me and that they always did everything for me and that I should return to football to fight for

what they had given me. If I had left football I would not have had anything. The reality was that as I remained at home I could not think of anything that could replace it” — ESPN News quoted Paulinho.⁶⁶

Sports fans are actively participating in all of the above-mentioned nationalist events held by the Lithuanian extreme right. For example, fans of “Zalgiris” FC and “Sakalai” basketball team made up a significant part of marchers on March 11, 2012.⁶⁷

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities	0
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities	–5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies	–5
×	Presence of “football xenophobia” and racism amongst sports fans	–5
	Total for section 9	–15

10. Racist attacks, violence and terror

Indicators

- Vandalism in cemeteries, attacks on religious buildings.

Three such crimes were recorded in Lithuania during 2012. Two of them were of anti-Polish nature and one was related to anti-Semitism

On June 17 in Vilnius, unidentified vandals defaced tombstones at the burial place of Jozef Pilsudski’s heart, who was a Polish leader during the interwar period.⁶⁸

On November 25th, the grave of Pilsudski’s heart had been desecrated again. Posters with insults towards Lithuanian Poles and the leader of the “Electoral Action of Poles in Lithuania” Voldemar Tomaševski and calls for reprisals against them were found near the grave.⁶⁹

On September 11th, a red swastika was spotted on the wall of the non-functioning synagogue in the town of Pakruojis, northern Lithuania.⁷⁰

- Inter-ethnic clashes instigated by xenophobia and radical nationalism.

No such events were recorded during the monitored period.

- Cases of violence, including murder on racial, ethnic and religious grounds.

No such events were recorded during the monitored period.

- Terrorist attacks on the basis of radical nationalism and religious fanaticism.

No such events were recorded during the monitored period.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Vandalism in cemeteries, attacks on religious buildings	-5
-	Inter-ethnic clashes instigated by xenophobia and radical nationalism	0
-	Cases of violence, including murder on racial, ethnic and religious grounds	0
-	Cases of hate crimes	0
-	Terrorist attacks on the basis of radical nationalism and religious fanaticism	0
	Total for section 10	-5

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

Lithuanian antifascist community is rather amorphous, although its outlines are becoming clearer in recent years. A range of cultural, educational and socio-political organisations have joined the “Lithuania without Nazism” association — a branch organisation of the International Human Rights Movement “World Without Nazism” (created in 2010, head — Julius Deksnis). It is essential to mention the Council of veterans of the

Great Patriotic War (Secretary — Vaigutis Stančikas), as well as the party “Socialist People’s Front” (established in 2009, leader Algirdas Paleckis) that also holds tough anti-Nazi position. Number of activists of the anti-fascist movement is estimated from 1,000 to 3,500 people.

A number of youth organisations, such as “Tolerant Youth Association,” “Sleeping Elephants,” and others, periodically protest radical nationalist policies,.

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

On February 16th, 2012, Kaunas division of the Tolerant Youth Association held a competing march dedicated to the Independence Day. Despite the fact that two days before the march the city government moved its location to the city outskirts, leaving the centre for neo-Nazis, the Association along with several other organisations held their protest action, gathering about 30 people. Sandra Sulauskaite, the head of Kaunas division of Tolerant Youth Association, explained, “Our march is for Lithuania, which is diverse and which is home for different people.”⁷¹

During the nationalist processions in Vilnius on March 11th, members of the association “Lithuania without Nazism” organised their own picket with posters: “Today — brown marches, tomorrow — gas chambers?” and “No to Fascism!” Party Socialist People’s Front picketed in another place with the same posters (party’s rally was banned).⁷²

“Lithuania without Nazism,” Council of Veterans and “Forgotten Soldiers” association co-organised the events held on April 11th dedicated to the International Day of liberation of Nazi concentration camps. Following events were held that day: “March of the Living” (delegation of former camp prisoners and their children visited Lithuania), the laying of flowers at the memorial of Paneriai at the outskirts of Vilnius, as well as the conference “Buchenwald Nabat: Memory of Nazi Concentration Camp Victims.”

Resolution was adopted at the end of the conference, stating: “Lithuania is among the countries where under general silence of politicians and cultural elites, under effective anonymous support of right-wing forces, the revival of Nazism as a modernised ideology and strengthening of the neo-Nazi position proceeds at the full speed. /.../ We urge the government of Lithuania to make every effort to perpetuate the memory of fallen antifascist heroes, soldiers of the Soviet Army and other armies of the anti-Hitler coalition, as well as victims of the Holocaust and the Nazi genocide.”⁷³

On May 27, “Lithuania without Nazism” published a statement, noting that “honorary reburial of Juozas Ambrazevičius, leader of the provisional government and a Lithuanian collaborationist, is a blatant mockery of the memory of victims of Nazism and the Holocaust.”⁷⁴

- Presence of anti-racist and anti-fascist civil initiatives.

Besides anti-fascists, some organisations and individuals had opposed the glorification of collaborators. In generally, these events were connected to Ambrazevičius reburial ceremony.

In May, the Jewish Community of Lithuania said that they were outraged with the celebrations that accompanied the reburial ceremony of Juozas Ambrazevičius, who received the most controversial assessments. In their statement, the Jewish community noted, “this activist should be associated with the deeds of the puppet provisional government of Lithuania, with repressive and discriminatory laws, imposed by the Nazi regime, and also with the encouragement of Jewish executions by the “Lithuanian Activist Front” that created an atmosphere for the barbaric “mob justice.”⁷⁵

Political scientist Darius Udris in his article on delfi.lt, published on May 18, noted that those glorifying Juozas Ambrazevičius are trying keep his collaboration with the Nazis on the down low. Supposedly, he was collaborating for a good cause (Lithuanian independence). However, according to political scientist, all these conjectures are refuted by the Lithuanian Activist Front documents, proving that organisation’s aspirations were far more malicious.⁷⁶

On June 12, a group of Lithuanian scientists published an open letter where they expressed their astonishment with the fact that the authorities had honoured Ambrazevičius:

“That government collaborated with German authorities; the government was founded on the base of the “Lithuanian Activist Front,” whose programme was anti-Semitic and authoritarian. /.../ Ambrazevičius’ reburial and the accompanying activities is a great moral error. The man who could not stand the main test of leadership was called a leader; he did not show justice and did not stand for the innocent. /.../ Government that first turned a blind eye on discrimination and harassment of its citizens and then failed to protect them from mass murders committed by the occupiers and their collaborators cannot conclusively say that it was fighting for freedom. Contradicting humanity words and deeds tarnished all that the Provisional Government allegedly achieved, unsuccessfully striving to secure the Lithuanian sovereignty. What is the sovereignty worth, if the price is the blood of innocent people? /.../ Government, public official and politicians who had publicly saluted Ambrazevičius and funded his reburial, confused the fundamental values on which Republic of Lithuania based on.”

The letter was signed by the famous cultural scientist Tomas Venclova, philosophers Egidijus Aleksandravičius and Andrius Belskis, so

ciologist Milda Ališauskienė, historian Alfredas Bumblauskas and other prominent members of the academic circles.⁷⁷

On March 10, head of the Civil Society Institute Darius Kuolys stated that the slogan “Lithuania for Lithuanians” is obsolete:

“It is not a slogan of a free nation. It could exist in the Lithuania ruled by the Russian Empire, when Lithuanian language was banned, when Lithuanians could not have their schools, when they were not masters of their own country. Back then, the statement ‘Lithuania for Lithuanians’ was indeed very important, emphasising that we are the masters here. Today, we live in a sovereign country, and when you say ‘Lithuania for Lithuanians’ in a sovereign territory, this slogan turns against others.”⁷⁸

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-racist and anti-Nazi movements and parties	5
×	Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations)	5
×	Presence of anti-racist and anti-fascist civic initiatives	5
	Total for section 11	15

12. Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial

Indicators

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

On April 15, an influential international political analyst Česlovas Iškauskas published an article on the popular delfi.lt, under an ambiguous title “A. Hitler: to honour, to forget or to ignore?” where he claimed that Hitler was “not so scary” for the Baltic countries when compared to Stalin.⁷⁹

On March 14, Iškauskas’s other article on delfi.lt accused “Lithuania Without Nazism” movement of being a “source of misinformation

for the Russian propaganda,” for movement’s attempts to show the real image of the “Forest Brothers.”^{80, *}

On April 22, chairman of the parliamentary committee on national security and defence Arvydas Anušauskas, without making a reference to a specific source, claimed that the NKVD allegedly created a special group that pretended to be the “forest brothers” and killed civilians to discredit the Forest Brothers in the eyes of the public.⁸¹

In December, lecturer of Vilnius University M. Martišus repeated this thesis in an article published on the popular www.lrytas.lt. In the same article, a Lithuanian analyst from the Ministry of Defence stated that Russia allegedly seeks to “desecrate the Lithuanian history” (by this euphemism, he meant the Russia’s efforts to counter the glamorisation and glorification of Nazi collaborators). A paragraph in the article clearly testified to the level of his analysis, according to which the Russian music concerts are organised by the Russian authorities in order to detach Lithuania from the West.⁸² On October 31, philosopher and political analyst Kęstutis Girnius stated that the Russia’s protests against opening a monument to “forest brothers” “demonstrates Moscow’s unwillingness to openly look at their past and reveals their desire to tarnish Lithuania.”⁸³

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

On January 30, 2012, Klaipėda court examined the use of swastika posters and signs during demonstrations. The court ruled, “The swastika sign is not just the symbol of Nazi Germany, it also refers to the Lithuanian historical heritage. Hence, display of this symbol is not punishable by law.”

The decision of the court was related to an investigation into the promotion of Nazi symbols during the February 16, 2010, demonstration. The case was dismissed for lack of evidence of a crime.

The court based its verdict on the fact that the sign on the posters carried during the march, “cannot be regarded as a symbol of Nazi Germany, although visually resembles it.” According to the court, a sign depicted on the posters was engraved on the thirteenth century ring that was found during excavations in the Lithuanian city of Kernavė.

* “Forest Brothers” is the informal name of armed nationalist groups, operating in the 1940–1950 on the territory of the Baltic Soviet republics — Lithuania, Latvia and Estonia — and that opposed the Soviet government for the restoration of state independence of these republics. During the Second World War, many future “Forest Brothers” and the so-called “Provisional Government of the Republic of Lithuania” carried out the Holocaust in Lithuania and actively collaborated with the German occupation authorities — *editor’s note*

The court's decision essentially gives permission for militarily organised youth to hold Independence Day parades under swastika banners accompanied by the slogan "Lithuania for Lithuanians."

At the same time, Lithuania is one of the few countries that banned the use and demonstration of Soviet symbols — red flag, hammer and sickle and red star.

On October 10, 2012 another monument to "forest brothers" (pro-Nazi rebels) was installed in Šilutė region of western Lithuania. Notably, the monument was opened 68th anniversary of liberation of Šilutė district.⁸⁴

- Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities.

Like in other Baltic States, glorification of the pro-Nazi collaborators is an element of Lithuanian government policy.

On May 19, 2012, remains of Juozas Brazaitis-Ambrazevičius — leader of the so-called provisional government of Lithuania — were reburied in Kaunas. Formed in 1941, the provisional government stained itself with collaborating with Nazis and publishing anti-Semitic legislation. Remains of the ex-leader were buried to the strains of national hymn, in a ceremony organised by Lithuanian government and participated by the Catholic hierarchy, one of whom, archbishop Tamkevičius, spoke fondly of Ambrazevičius. Mayor of Kaunas, conservative Andrius Kupčinskas, led the specially created reburial group. A "scientific" conference and a movie were specifically timed to this event.

Head of the Lithuanian parliamentary defence and national security commission Arvydas Anušauskas commented on the event,

"Despite contradictory assessments of the provisional government, despite the difficult period in which it had to exist, proclaiming its power, but not really possessing it, the most tragic period of the Jewish genocide began after the provisional government, when it has left Lithuanian arena, in August — September." However, Anušauskas failed to mention the mass murders of Jews and Soviet activists in Lithuania before August 1941.⁸⁵

One of the ruling party leaders, MEP Vytautas Landsbergis told the gathered at the ceremony that Ambrazevičius "felt the obligation and accepted responsibility at a time of the bloodiest crisis in Europe."⁸⁶

Former Lithuanian president Valdas Adamkus, who posthumously awarded Ambrazevičius with the Order of Vytautas the Great in 2009, stated:

"The government that manifested the proclamation to the nation became that very ideal that ignited my patriotism, pride and faith in my nation. That day, that moment, frankly, was the first conscious psychological turning point in my life, which made me feel who I really am."

Adamkus preferred ignore the fact that this proclamation glorified Hitler and contained calls for active persecution of Jews and Soviet activists.⁸⁷

Member of Parliament from the ruling party of Conservatives and Christian Democrats Petras Luomanas called Ambrazevičius “a fighter for statehood, independence and freedom of Lithuania, an idealist and a resistant.”⁸⁸

On June 15, a particular letter came to light, written by a group of Lithuanian politicians and intellectuals (advisor to the Deputy Chairman of the Parliament Laurynas Kasčiūnas, former Deputy Prime Ministers Zigmas Vayshvila and Romualdas Ozolas, well known philosophers Arvydas Šliogeris, Vytautas Rubavičius, Vytautas Radžvilas and others). Authors supported the glorification of Ambrazevičius, calling him a “great patriot and statesman,” who was forced to lead people under extremely difficult political circumstances.”

Authors demagogically justified the pro-Nazi activities of Lithuanian “activists” in the beginning of the Great Patriotic War:

“What could Lithuanian citizens do at the time? With flowers in their hands bid farewell to the occupant army (USSR), local communist collaborationists, those who killed? Were they to bear arms and stop Wehrmacht, and by doing so give an opportunity for further deportations of Lithuanian citizens to Siberia, to certain death, and leave a possibility for retreating occupants to murder even more innocent victims?”⁸⁹

Later, V. Landsbergis published a book about the Ambrazevičius government. Noticably, Landsbergis is personally interested in glamorisation of the “provisional government,” since his father was one of its ministers. The book presentation was held on September 11, 2012.

During the book presentation in Vilnius, Landsbergis called the protests of some Lithuanian intellectuals against the solemn reburial of the Nazi collaborator a “demagogy,” and tried to present Ambrazevičius as almost a fighter against Nazi Germany. Naturally, Landsbergis preferred not to mention the anti-Semitic hysteria that escalated into massacres and was openly encouraged by Ambrazevičius’ government.

Meanwhile, a history lecturer of Lithuanian Pedagogical University Mindaugas Tamošaitis, who was participating in the book presentation, stated that provisional government’s responsibility for the Holocaust “was quite minimal, I would say that it did not exist at all.”⁹⁰

Ambrazevičius reburial was not the only act of glorification of Nazi collaborators. On April 16, member of the Parliamentary Human Rights Committee, deputy Auksute Skokauskene, officially invited to commemorate one of German Abwehr agents, a “forest brother” Bronius Lesis.⁹¹

In October, Lithuanian Foreign Ministry accused Russia, which protested the opening of a monument to “forest brothers” in Šilutė, of “tarnishing the resistance fighters,” “double standards” and “unwillingness to acknowledge the historical truth.”⁹²

Monitoring also recorded several attempts to demonise the Soviet regime and equate it to Nazism. On January 22, Lithuanian Foreign Minister Audronius Ažubalis responded to the European Parliament’s declaration dedicated to the 70th anniversary of the Wannsee Conference (1942), which criticised equating communism and Nazism. Foreign Minister stated, “It is impossible to distinguish Stalin from Hitler, maybe only by moustache (Hitler’s moustache is smaller).”⁹³

In an interview with www.ru.delfi.lt, on July 9, 2012, Minister also tried to equate Stalin’s Soviet Union to the Third Reich under a single brand of “totalitarian regimes,”⁹⁴ which negates the impact of Nazism and the Holocaust.

On April 14, Ažubalis, citing some information from the Russian archives, stated that in the post-war years, “the Soviet terror in Lithuania has been nationally oriented.”⁹⁵

There was also an attempt to transfer the graves of Soviet soldiers. On June 18, it was reported that a Lithuanian MEP, one of the leaders of a conservative party “Homeland Union” Vytautas Landsbergis suggested to move the fraternal graves of Soviet soldiers from the centre of Palanga resort to the outskirts of the city. His explanation was that these burials are “a relic of the Soviet era,” they are allegedly too close to the centre of the city, to the church, and this according to him reminds everyone of the Soviet occupation.

Mayor of Palanga Šarūnas Vaitkus, Landsbergis’ colleague in the party, stated:

“We will try to resolve this issue. Especially since the city residents appeal with similar proposals. But we would not do it by force, as it happened to the Bronze Soldier in Tallinn five years ago, but in civilized way, finding a compromise with the Russian Embassy in Lithuania.”⁹⁶ However, until the end of the monitored period, no further action in this direction has been taken.

- Historical revisionism, Holocaust denial.

In early January, a scandal broke out around the statement of the leader of the EU mission in Afghanistan. Former Lithuanian Minister of Foreign Affairs Vygaudas Ušackas told the “Wall Street Journal”:

“We had a few years’ respite from the communists while the Nazis were in control during World War II.”

However, after his words incited an international scandal, Ušackas hastened to declare that his phrase does not reflect his position regard-

ing the Holocaust, and that he meant that “his family was persecuted by communists.”⁹⁷

There was also a case of censorship of a film that depicted collaborationists in the “wrong light.” On April 6, it was reported that Jurbarkas city authorities stated that a documentary directed by Saulius Beržinis, entitled “Kai apie Jurbarką skambėjo jidiš” (“When Yiddish sounded near Jurbarkas”), is “biased.” The film, among other things, talked about the collaborators’ destruction of the local Jewry.

District authorities demanded to make change the film and not disclose the names of locals who were helping Nazis, because it will supposedly “cause unnecessary stress and dissatisfaction of their children.” In response, Beržinis threatened with possible litigation against the municipality that wished to censor the film.⁹⁸

An attempt to reduce Lithuanian collaborationists’ liability for committing mass murders can also be noted. On May 25, 2012, a study conducted by a group of Lithuanian historians and led by the Director of the Genocide and Resistance Research Centre of Lithuania Teresė Birutė Burauskaitė came to light. The study alleged that there was no evidence that “forest brothers” commanders participated in the Jewish killings. It was also stated that there are no people who were involved in the Jewish genocide left in modern Lithuania, and therefore, accusations that Lithuania does not persecute Nazi collaborators is unfounded.⁹⁹

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition	-5
×	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers	-5
×	Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities	-5
×	Historical revisionism, Holocaust denial	-5
	Total for section 12	-20

13. Persecution of veterans and partisans of the anti-Hitler coalition and anti-fascists

Indicators

- Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.

On April 20th, the day before Paleckis' court hearing, former Deputy Prime Minister Zigmantas Vaišvila — signatory of the Lithuanian Independence Act — demanded to bring criminal charges against witnesses who had testified during Paleckis trial about the shots fired from rooftops. He also demanded to initiate investigation into the “Socialist People’s Front” party. In an open letter to the court, he demanded to commit Paleckis to jail.¹⁰⁰

- Restrictions imposed by the authorities on human rights and antifascist organisations. Bans to entry or exit imposed on antifascists. Authorities' inaction.

Such cases were not recorded during the monitored period.

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

In 2012, the most important process against Lithuanian antifascists Paleckis' trial (see above).

The country also continues to actively prosecute veterans of the Soviet law enforcement. On November 7, 2012, Kaunas District Court accused an 89-year-old veteran of the Ministry of State Security of the Lithuanian SSR, M. Tabakaev, of deporting eight Lithuanian families to Siberia during the post-war years. The court sentenced an 89-year-old former employee of the Soviet state security to restriction of freedom for two years, ordering him to not leave his house in Vilnius between 23 and 5 o'clock, except for medical cases, and notify the relevant authorities about any changes in his residence.¹⁰¹

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists	-5
-	Restrictions on human rights and anti-fascist organisations imposed by the authorities, bans to entry or exit imposed on anti-fascists by the authorities, inaction of the authorities	0

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists	-5
	Total for section 13	-10

14. International aspect

Indicators

- Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities.

Joining the EU, Lithuania ratified the Framework Convention for the Protection of National Minorities, which prohibits aggravating the conditions of national minorities within the nation-state by introducing new or cancelling old legislation. However, this requirement was violated by the abolition of the 2010 Law on National Minorities and the introduction of a new Education Act in 2011. The ban on bilingual signs in the areas of compact settlement of national minorities, enshrined by Article 17 of the Law on State Language, is also in violation of the Framework Convention. Essentially, this resulted in the fact that Framework Convention was not applied in Lithuania in 2012.

In 1994, Lithuania joined the Convention on the Elimination of All Forms of Discrimination against Women. In 1998, it ratified the International Convention on the Elimination of All Forms of Racial Discrimination. At the same time, Lithuania did not join such important human rights agreements as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the European Charter for Regional and Minority Languages.

Thus, Lithuania's participation in important international agreements on combating racism and discrimination in 2012 can be considered as limited.

- Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period.

During the monitored period, Lithuania did not join any new international treaties aimed at combating neo-Nazism and discrimination.

- International statements and initiatives against discrimination, neo-Nazism and xenophobia made by the monitored countries and their leading politicians.

In 2012, Lithuanian government made no international statements or initiatives against discrimination, xenophobia and neo-Nazism. On the contrary, several foreign politicians and some international organisations expressed their concern with glorification of Nazism and persecution of dissentients in Lithuania.

In July 2012, the UN Human Rights Committee published a report on Lithuania, which expressed a “strong concern regarding demonstrations of neo-Nazis, marching with swastikas.”

“Despite the fact that the Lithuanian Government referred to the freedom of assembly and the fact that these characters were only signs of medieval 13th century, the Committee (UN Human Rights Committee) has remained resolute in its position of disapproval of such state-sanctioned demonstrations. It reminded the Lithuanian delegation that freedom of expression and assembly are not absolute — they should be regulated by the state, as soon as human rights are violated.”¹⁰²

On September 25, 2012, three American congressional representatives — Brad Sherman, Henry Waxman and Howard Berman, addressed an indignant letter to Prime Minister Andrius Kubilius, talking about Ambrasevičius reburial:

“We are writing to express our deep concern regarding the reburial of Ambrasevičius Brazaitis, who served as the acting Prime Minister of the Provisional Government of Lithuania from June to August 1941. Holocaust historian Dr. Efraim Zuroff of the Simon Wiesenthal Centre described the decision to rebury Ambrasevičius-Brasaitis as an absolute outrage. Ambrasevičius-Brasaitis was the leader of the Provisional Government of Lithuania, which was formed by the Lithuanian Activist Front (LAF). The LAF collaborated with the forces of Nazi Germany. An LAF essay stated, “The Lithuanian Activist Front, by restoring the new new Lithuania, is determined to carry out an immediate and fundamental purging of the Lithuanian nation and its land from the Jews, parasites and monsters...” The incitement to murder was vicious and unrelenting. They were killed in an astonishingly rapid rate. We believe that the reburial of Ambrasevičius-Brasaitis undermines efforts to counter anti-Semitism and to recognise the crimes of Nazis and their collaborators. We hope that you will take concrete steps to demonstrate your government’s commitment to accurate historical portrayal of the darkest realities of the Holocaust.”¹⁰³

The Paleckis trial had also stirred up an international scandal. In early July 2012, the Geneva Committee of the UN Human Rights Council, responding to Paleckis’ sentence, urged the UN member states not to regulate historical versions through the courts.

PRESENCE OF CRITERIA	INDICATORS	SCORE
-/×	Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities	2.5
-	Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period	0
-	International declarations and initiatives of the monitored countries and the leading politicians against discrimination, neo-Nazism and xenophobia	0
	Total for section 14	2.5

CONCLUSION

Consequences for the development of the country and society, based on the analysis of factors and the following aspects:

1. Human rights

- *Guarantees against any form of minority discrimination.*

The Constitution of the country, the Criminal Code and the Law “On Equal Opportunities” are the basis for the Lithuanian anti-racist legislation. At the same time, the abolition of the Law “On National Minorities” in 2010, the adoption of discriminatory Law “On Education” and Article 17 of the Law “On the State Language,” which prohibits bilingual street signs in places of compact settlement of national minorities — all of the above negate many rights that are guaranteed by the Lithuanian anti-racist legislation, as well as the Framework Convention for the Protection of National Minorities, signed and ratified by Lithuania in 2005.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of Na-*

tional Minorities and the European Commission against Racism and Intolerance, etc.)

By the abolishing the former Law “On National Minorities,” adopting the new Law “On Education” and refusing to cancel the above-mentioned Article 17 of the Law “On the State Language,” Lithuania essentially violates the Framework Convention for the Protection of National Minorities. This, added to Lithuania’s refusal to join the European Convention on Regional and Minority Languages, contributes to process of forced assimilation that gains strength and is supported by the authorities.

- *Differences between the rights and freedoms of the titular nation and ethnic minorities.*

Such discrimination primarily concerns the right of national minorities to their native language, which is provided by the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages — the international agreements that Lithuania either has failed to join or is violating.

- *Legislation enshrining inequality of minorities.*

Inequality of minorities is primarily embodied in the following Lithuanian legislation:

Law “On State Language,” Article 17, which prohibits the use of bilingual street signs in the areas of compact settlement of national minorities.

Law “On Education,” which ignores the requirements of the Framework Convention for the Protection of National Minorities not to aggravate the conditions of national minorities in a national state through the introduction of new or annulment of old acts, and violates the provisions of article 37 of the Constitution. The law essentially discriminates students of national minority schools, where the Lithuanian language is taught less than in “ordinary” schools, and pressures parents to forced “Lithuanisation” of their children’s education.

The new edition of the law does not include the notion of a “national school” or a school for “national minorities.” The law drastically aggravated the position of Russian and Polish schools in Lithuania. If the previous version of the law contained a provision about the right to get secondary education (1st to 12th grade) in their native language (article 30), the new statutory wording states that all topics related to Lithuanian history and geography, world studies and civics should be taught in Lithuanian language.

As evidenced by a similar experienced of Latvian schools, this inevitably leads to a drop in children’s level of knowledge in these subjects.

In addition, the current lack of a law on National Minorities creates opportunities for discrimination against ethnic minorities.

- *Rulemaking in protection of minorities.*

The Law on National Minorities, which acted since the Soviet era, had expired in 2010. The new version of the Law is currently in development.

- *Freedom of speech violations.*

The 2010 amendment to Article 170 of the Criminal Code of Lithuania, introduces responsibility for public approval, denial or gross understatement of “crimes of the USSR.”

The amendment became the basis for trial over Algirdas Paleckis, a presidium member of the International Human Rights Movement “World without Nazism” and Chairman of the “Socialist People’s Front” in 2012. Paleckis dared to question the official version of the events that took place on January 13th, 1991 in Vilnius.

In essence, the trial aimed to “silence” an uncomfortable opponent, who doubted the present historical myth about Lithuania. Furthermore, authorities did not stop even after Paleckis was acquitted by the court of the first instance, and transferred the case to the Vilnius District Court, which subsequently sentenced him to a fine.

Political undertones of the case was evidenced by Lithuanian Prime Minister’s statement immediately after the guilty verdict. Andrius Kubilius stated that such decisions is “European practice.”¹⁰⁴

The trial was followed by prosecution of two witnesses, whose testimonies were favourable to his defence.

- *Legislation and law enforcement practices concerning migrants.*

Lithuanian migration legislation is presented in the Law “On the Legal Status of Foreigners,” which comprehensively details the main aspects of migration. According to the Law, immigrants can obtain a temporary or permanent residence permit. The latter requires a constant confirmed income no less than the minimum established by the Ministry of Labour. Since there are no significant immigration flows going through the country, the legal practice towards them is minimal.

Violations of immigration legislation generally involved politically motivated refusals of asylum or bans to entry imposed on environmental activists.

2. State of the society

- *Risk of violation or non-compliance with the acting laws aimed at protecting the rights of minorities; risk of discriminatory practices against minorities.*

Discriminatory practices towards ethnic minorities in Lithuania are mainly related to culture, education and language policies. Exploiting

the abolition of the Law on National Minorities in 2010, Lithuanian government slowed down the development of a new Act, and adopted a new Law “On Education,” which is contrary to the Framework Convention for the Protection of Minorities and, in essence, the Constitution of the country.

Thus a legal basis for discrimination against minorities appeared, which immediately affected the Polish and Russian diasporas. These facts threaten stability of the society, but so far, neither the Lithuanian political elite nor the Lithuanian society acknowledge this danger. In general, they respond to all of these violations with an extreme degree of indifference. Statements of prominent Lithuanian politicians and cultural figures about xenophobia and discrimination are extremely rare and occur mostly under strong pressure from the EU.

- *Identity — how manifestations of xenophobia and extremism affect the identity of minorities, as well as majority’s identification of minorities (growth of social phobias).*

As it always happens in such cases, attempts to discriminate minorities to encourage assimilation have an opposite effect — rise of national consciousness, which can now be observed among members of Polish and Russian communities. Russia and Poland’s support for their compatriots intensifies this process. On the other hand, growth of national identity and minority’s struggle for their rights leads to an increase of xenophobia among the majority.

Currently, members of the Polish minority already feel themselves persecuted. Russians and Russian-speakers are less united than the Poles, and are therefore less vocal about their infringed rights, but that does not diminish the importance of their problems. Unlike Poles, Russians in Lithuania are more dispersed; however, in some cities such as Visaginas — location of a former nuclear power plant — Russians makes up a majority, which is why many problems (such as bilingual signs) are quite relevant to them.

Lithuanian Jews feel extremely uncomfortable, as police rarely investigate anti-Semitic crimes, while the high-ranking politicians are trying to justify pro-Nazi collaborators.

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socio-economic development of the country)

- *Standard of living.*

Lithuania ranked 44th in the standard of living rating composed by Legatum Institute, which is among the last five EU countries (the situ-

ation was worse only in Bulgaria, Latvia and Macedonia).¹⁰⁵ The low score was mainly due to Lithuania's desire to not just distance from Russia, but always to be a source of conflicts with this country. Issues with Lithuanian national minority policies are also an important factor.¹⁰⁶

- *Economic turmoil and instability.*

Economic problems, as well as economic instability are typical for Lithuania. Many of these problems, as mentioned above, were caused by government's hostile policies toward Russia and Russian-speaking residents of Lithuania.

- *Decline in production growth, emigration of the labour force.*

Lithuania has almost entirely eliminated all production inherited from the Soviet Union. Attempts of Russian investors to control certain enterprises were met with a strong resistance motivated by ideological reasoning. However, majority of large enterprise were eventually bought or controlled by the Russian companies anyway. In 2010, the only Lithuanian Ignalina Nuclear Power Plant was shut down for ideological reasons (as a part of the Soviet legacy), which led to a noticeable deficit of electricity in the country. Country's external debt is growing — as of 2011, it amounted to 38.5% of GDP.

The above-mentioned facts led to mass emigration of Lithuanian citizens. Officially, about 300,000 people left the country since its independence, although unofficial data indicate that this number is two times higher.¹⁰⁷ This decline in population has led to a negative growth, which cannot but affect the labour productivity and the general state of the consumer market.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

The oppression of minorities through “Lithuanisation” of education and the Law “On State Language” ultimately leads to the growing discontent among the population, rather than creating loyal citizens. This process is not as expansive as in Latvia and Estonia, but considering the fact that the Polish population is concentrated in a single compact (near-border) region, it can be a serious source of instability in the country.

Another aspect should be also mentioned. An active glorification campaign of Nazi collaborators, the major point of which was the reburial of Ambrazevičius, leader of the pro-Nazi Provisional Government, leads to a perception of Nazism as a possible positive alternative to the democratic regime. Such sentiments significantly contribute to

the increase of participants of Nazi marches in Lithuania. Just a few years ago, these processions only gathered a few dozen people. March 2012 processions, however, were participated by several thousand people — a serious number for Lithuania.

Even more alarming is that according to public opinion polls 13% of Lithuanians support nationalist slogans and 41% are unsure if they are good or bad. The latter probably means that respondents support extreme right slogans, but are ashamed to admit it. Presently, this support is yet to be converted to electoral support of neo-Nazis. However, judging by the events in Ukraine, the situation can quickly change.

- *Impact of xenophobia and extremism in the country on the issues of external security, on relations with third countries and the international security in the region as a whole.*

Policies intentionally aimed at confrontations with Russia, involving regular assessments of “damages from the occupation,” violations of minority rights, glorification of Nazi collaborators and Nazi marches in Lithuanian cities, increase the level of instability in the region.

It seems that ideologists of Lithuanian domestic and foreign policies have grossly underestimated the reaction of Lithuanian allies. Discontent of Polish authorities and U.S. legislators, coupled with Russia’s position and the clearly unexpected reaction of the UN Human Rights Commission to the glorification of Nazism and violations of minority rights create a somewhat unfavourable image for Lithuania in the international arena.

RECOMMENDATIONS

1. *General recommendations for the accession to international agreements and conventions.*

Lithuania needs to bring its legislation into conformity with the Framework Convention on Minority Rights, sign the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the European Charter for Regional and Minority Languages.

Lithuania should support the UN General Assembly resolution A/RES/67/154 “Glorification of Nazism: inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance” and similar resolutions against neo-Nazism that are considered in UN every year. Joining this resolution will have a positive impact on Lithuania’s image abroad and will improve its relations with Russia.

2. *General recommendations for adjustments to the legal framework.*

Lithuania should bring its legislation in line with the ratified Framework Convention for the Protection of National Minorities. It is necessary to repeal the provisions in the Law on Education and the Law on the State Language that discriminate national minorities. It is also important to adopt a new law on national minorities as soon as possible.

In addition, it is important to remove the Article punishing the dial of “crimes of the USSR” from Lithuanian Criminal Code. Introduction of such Article to the legal framework should be conducted by an authoritative international court, as it was done with the international recognition of the Holocaust and other crimes of the Nazi regime. Otherwise, the introduction of this article to the Criminal Code is a violation of freedom of speech — a fundamental principle of a democratic society.

3. *General recommendations for the executive bodies in the field of law enforcement and human right.*

Lithuanian authorities should abandon the practice of glorification of Nazi collaborators and flirting with the radical nationalists. It is important to begin the application of the dormant Articles of the Criminal Code on incitement of ethnic hatred and direct them against the organisers of extreme right marches.

These processions should be banned altogether, based on the General Comment 34 of the International Covenant on Civil and Political Rights, which states that “two limitative areas of restrictions on the right are permitted, which may relate either to respect of the rights or reputations of others or to the protection of national security or of public order (ordre public) or of public health or morals.”

Lithuanian Ministry of Justice should examine the activities of extreme right parties (see section 8 — “Radical nationalist groups and parties”) and statements of their leaders for their compliance to party statutes and the Constitution of Lithuania.

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SUMMARY OF INDICATORS FOR 2012

No.	INDICATORS	SCORE
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-15
2	Xenophobia and inflammatory statements by members of the authorities and media	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	10
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
5	Activities aimed at promoting tolerance and preventing extremism	5
6	Status of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	7.5
7	Incitement of religious and ethnic hatred	-10
8	Radical nationalist groups and parties	-12.5
9	Extremist and radical nationalist public actions	-15
10	Racist attacks, violence and terror	-5
11	Presence, popularity and size of anti-fascist and anti-racist movements	15
12	Glorification of German National Socialism and collaborators of Nazi Germany	-20
13	Persecution of veterans and partisans of the anti-Hitler coalition	-10
14	International aspects	2.5
	Total	-47.5

MOLDOVA

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

Indicators

- Discriminatory legislation affecting minorities residing in Moldova in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

The Constitution and the Criminal Code of Moldova ensure formal protection from all forms of racial discrimination to the citizens of the country.

However, the Alliance for European Integration that has been in power since 2009 (made up of the Liberal Democratic, Democratic and Liberal Parties) has focused mainly on nationalism and anti-communism. The ideology of the ruling alliance is based on Romanianization of every sphere of public life.

This was the basis for the resolution passed on January 11, 2012, by the Government of the Republic of Moldova (RM) on establishing the National Committee on the Functioning of Languages aimed at ensuring the purity of the national language. More specifically, the Committee will control the “quality of public language and the language used in educational institutions and keep the Government and other authorities informed of any violations of language laws.” The Committee will also handle issues of assessing the national language proficiency of civil servants and MPs. Some of the Committee members have turned out to be citizens of neighboring Romania or those who support complete repudiation of the Soviet legacy and integration with Romania. That is why the name of the national language — Romanian or Moldovan — has become a sensitive topic of discussion, as historically the difference between them was due to political rather than linguistic factors.

Since 2009, the ruling elite has tended to reject the name “Moldovan language,” even though it is the national language according to Article 13 of the Constitution of the Republic of Moldova. Thus, Liberal Party faction members proposed to rename the official holiday “Limba noastră” (“Our language”) introduced by Parliament in 1990 and celebrated every year on August 31 as “Limba noastră cea română” (“Our language is Romanian”). The ruling Alliance sees the focus on the Romanian language and studying the history of the Romanians as a chance to rectify a historical injustice and to apply successfully to enter the European Union through the Romanian gates. However, the authorities do not comment on how the concept of European integration is related to violations of the Constitution, and more specifically, of the aforementioned Article 13 of the Constitution of Moldova.

In April, after final reading, the parliamentary majority passed a law regulating language policy in outdoor advertising. According to this law, presentation, production or transmission of outdoor (visual) advertising exclusively in foreign languages will be punished by a fine of up to 10 million lei. This initiative is obviously aimed against the Russian-language advertising that is popular in Moldova. In a statement on April 6, the manager of Enreco Plus advertising agency, Natalia Levșina, responded by saying that the new Advertising Law that prohibits advertising in Russian and other foreign languages infringes the rights of Russian-speaking citizens.

Also in April, Parliament passed amendments to the Law on Petitions requiring all of the country’s institutions to respond to citizens’ letters and requests in the national language only, regardless of the language in which they were addressed. The draft law allows for a response in Russian and Gagauz, but only in the areas where ethnic minorities form the majority, i.e., the areas largely populated by the Gagauz people, Russians and other nationalities. In other words, only the residents of Bălți municipality, Ocnita District, Taraclia District and Gagauzia will be able to require an answer (only if it is verbal) in Russian or Gagauz, while in all other areas a response may only be provided in the national Moldovan language. However, in 2011, the country’s Parliament registered some 4,000 petitions, more than a third of which were written in Russian and other ethnic minority languages.

At a Parliamentary meeting held on June 22, the Minister of Information Technology and Communications, and Democratic Party nominee Pavel Filip introduced a bill that, among other things, specified that identity documents (regular passports) should no longer be translated into the Russian and English languages. Despite criticism from the opposition Communist Party, the bill passed on first reading.

In turn, the Liberals advocated dropping the Russian language as a compulsory subject at schools (while a fourth of all schools in

Moldova are Russian). According to Liberal MP Ana Guțu, the Russian language “should be treated as a foreign language to be studied by children if they so decide together with their parents.” This approach is due to the intention to cancel Moldova’s National Policy Concept adopted in 2003 that established the Russian language as the language of international communication, since Moldovan-Russian bilingualism is historically typical of Moldova.¹

According to lawyers, the Liberals’ language-related initiatives are in conflict with the laws on the use of languages and on national minorities, as well as with the European Council’s Framework Convention for the Protection of National Minorities that supports language rights, among other things. Therefore, communist counsellors on the Bălți Municipal Council (*Editor’s note*: Bălți is the third largest city in the country) and even some representatives of the parties in the ruling alliance have spoken out against the law on petitions. The Gagauz Autonomous Area, where Russian is widely spoken, does not support this kind of legislative initiative either. That is why an attempt to force the Russian language out of public life is treated as discrimination by a large part of the population. This is an especially sensitive area for the hundreds of thousands of the Moldovans who regularly travel to work in Russia.

Apart from the Russian language, the legislative initiatives of 2012 were directed against the Soviet symbols used by the Communist Party of the Republic of Moldova (CPRM), the main opposition force in the country. On July 12, Parliament passed a decree “On the Historical, Political and Legal Assessment of the Totalitarian Communist Regime of the Republic of Moldova.” It refers to “condemnation of the totalitarian Communist regime in the Moldavian Soviet Socialist Republic that committed crimes against humanity” and declares that communist symbols (sickle, hammer, etc.) must be banned. In commenting on the decree, Liberal MP Ana Guțu said that she could see no evidence of discrimination in banning the hammer and sickle, and that a similar ban on using the five-pointed star for political purposes is expected in future.

Accordingly, the law on political parties has been amended to “ban the use of emblems of totalitarian political regimes by political parties.” In addition, “condemnation of the totalitarian regime” required that the history be rewritten and that Soviet monuments be dismantled. The decree passed in July was followed by amendments to the Act on Monuments registered by the Liberal Democrats on July 19. According to those amendments, “no monuments or memorial ensembles that are the vestiges of totalitarian regimes: Communist (Bolshevik), Stalinist or Nazi, and no military equipment or models thereof exhibited in public places in order to promote militaristic totalitarian ideologies may receive the status of a monument or be included in the register of mon-

uments. To preserve these objects, the government will announce the establishment of a Museum of Totalitarian Regimes at the Ministry of Culture.”

In August, there was a heated discussion in the media on whether a law on lustration could be passed in Moldova. Some politicians representing both liberals and socialists went even further and suggested banning the opposition Communist Party entirely.

On September 17, amendments to the Act on Political Parties providing for a ban of the “hammer and sickle” symbol were published that stated “political parties shall be prohibited from using the symbols of the totalitarian Communist regime (hammer and sickle, or any carrier of such symbols), and any propaganda of totalitarian ideologies shall be prohibited.” The punishment for failure to obey this law is the one imposed for a “repeated offence related to violation of the provisions of the present law.” The Code of Offences has been supplemented with another article under which “any promotion and/or use of the totalitarian Communist symbols (hammer and sickle, or any carrier of such symbols) for political and propaganda purposes as well as any propaganda of totalitarian ideologies within the Republic of Moldova shall be punishable by fines of 100 to 150 conventional units for individuals and 300 to 500 conventional units for officials and legal entities.” At the same time, the Law on Freedom of Expression has been amended by an article forbidding “any promotion and/or use of the totalitarian Communist symbols (hammer and sickle, or any carrier of such symbols) for political and propaganda purposes, as well as any propaganda of totalitarian ideologies. The specified actions shall be punished in accordance with the applicable law.” The Act has been in effect since October 1, 2012.

In effect, all of these measures were hitting the CPRM and helping the ruling alliance in its struggle against the most powerful competitor in the political arena.² It was actually a political struggle with an attempt to use the issues of language and historical memory effectively, but delicate ethnic issues were also inevitably touched upon, and the Russian-speaking population became involved in the discourse. It is notable that the Committee for the Study and Evaluation of the Totalitarian Communist Regime was made up mostly of former Communist Party members, secretaries and members of Komsomol, informants and a number of former KGB officers. All of them were actively involved in developing laws against the Communist Party, but they would never have supported the law on lustration.

Thus, in 2012, Moldova adopted legislative measures and applied discriminatory practices intended to tighten language policy in terms of the national language, which violated the rights of the ethnic minorities living in the country. Apart from that, several laws discriminating against citizens on political grounds were passed.

- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

In 2012, representatives of nationalist parties made a number of statements on the need to use the example of Latvia and Estonia to revoke the citizenship of residents of Moldova whose ancestors had come to the republic after the consolidation of Bessarabia and Northern Bukovina with the Soviet Union in June 1940. The first step in this direction was taken on December 14, when the draft law of the Liberal Party, under which citizens of the Republic of Moldova with Soviet-style identity cards had no right to vote in elections, was passed by the ruling majority at first reading. The Communist MPs who voted against it pointed out that more than 270,000 citizens would thus be deprived of their right to vote. The citizens affected were mainly elderly people living in rural areas who had difficulties obtaining new passports due to complicated bureaucratic mechanisms and distance from passport offices.

- Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.

The rejection of the Soviet past and the focus on Romania with its harsh pre-war militaristic regime, including the dictatorship of Marshal Antonescu (see below), made the ruling Liberals and Democrats open the floodgates to radical nationalism glorifying the pro-fascist Iron Guard and the Antonescu regime. The refusal to condemn the Antonescu regime prevents the ruling alliance from passing any laws banning the rehabilitation of Nazism and the glorification of Nazi war criminals. Moreover, this policy challenges the legitimacy of the Republic of Moldova and incites the radical political forces to abolish the republic and merge with Romania in violation of the current Constitution.

In turn, the government's anti-state policy has resulted in the Communist Party's becoming perhaps the most influential anti-fascist force in Moldova that defends the country's sovereignty and fights for the rights of minorities. As the Romanian sociologist Dan Dungaciu noted, "the extent of Russian-speakers' intervention in the affairs of the Communist Party of Moldova used to be minimal, but now it has become significant, which could be clearly seen during the last local elections. This part of the electorate is largely made up of educated urban residents who are not really focused on the symbols of the party and perceive the Communist Party as the main defender of the Russian-speaking ethno-linguistic communities (which I call the "imperial minority"). This group of Communist Party supporters is not going to decrease

after the new law is adopted.” In this regard, he emphasizes that, “the conclusion is that the struggle with the Communist Party in the Republic of Moldova is more than just political or socio-economic. It is also a struggle for identity.”³

The decree condemning the totalitarian communist regime and prohibiting its insignia led to a fierce confrontation between the Communist Party and the ruling Alliance, as the Communists did not want to give up their symbols. The Communist Party filed a protest against the hammer-and-sickle ban with the Constitutional Court and declared that it would not obey the rules of law that contradict the Constitution.* On October 15, the Communist Party presented excerpts from the judgments of the European Court of Human Rights that declared the ban on communist symbols illegal. In particular, the opposition referred to the cases lost by the governments of Hungary, Romania and France.

In addition, while the ruling Alliance actually equated Communism and Fascism, accusing them of bloody crimes, based on the European Parliament’s Resolution dated April 2, 2009, on European Conscience and Totalitarianism, and the PACE Resolution dated January 26, 2006 on the Need for International Condemnation of Crimes of Totalitarian Communist Regimes, the Moldovan Communists strongly objected to this approach, pointing out that it was the USSR that defeated Nazi Germany.

Thus, in striving to confront the Communist Party and force it out of the country’s political arena, as well as to set a course for closer ties with Romania, the ruling coalition took the side of the radical nationalist forces, whether willingly or not. The law banning communist symbols, and the Government decree on the establishment of the National Committee on the Functioning of Language intended to monitor the purity of the national language and amendments to the Law on Advertising in this context are discriminatory regulations aimed at strengthening the position of the radical nationalists and infringing the rights of the national minorities living in the Republic of Moldova.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

On January 31, Russian-language NGOs addressed the Prime Minister of the Republic of Moldova Vlad Filat on the establishment of the National Committee for Language Functioning and appealed to him “to suspend the Committee’s activities and discuss the issues of language functioning in the Republic of Moldova with representatives of civil so-

* Looking ahead, it should be said that in 2013 the Constitutional Court declared Parliament’s decision to ban the hammer and sickle illegal — *editor’s note*.

ciety.” “The Regulations vest the Committee with special powers that are not permitted by law,” the appeal stated. Thus, the Committee is empowered to consider complaints from legal entities and individuals and to require legal entities to provide any materials as may be necessary for the Committee to fulfil its duties, which should not be within the competence of such establishments. A matter of special concern is the membership of the Committee, which is partially made up of persons known to the general public for their anti-Russian and xenophobic statements, publications and activities, as well as for their anti-patriotic views towards our common homeland, the Republic of Moldova. It seems reasonable to believe that the main objective of the Committee is not to contribute to the improvement and development of legislation concerning the use of languages, but to narrow the scope of the use of Russian and other languages and later force them out of society altogether.

Speaking at a regular PACE session in Strasbourg during the discussion on “the Right of Everyone to Take Part in Cultural Life,” Liberal MP Ana Guțu said that “despite the fact that Moldovan legislation is very reasonable in terms of minorities’ cultural rights, there are still some ethnic minorities such as the Gagauz and Bulgarians, for example, who refuse to study for a degree in their native language and instead choose a third language that is not even official in the Republic of Moldova, the language of the former Soviet empire.” These attacks on the Russian language, including legislative ones, are taking place at a time when parties within the ruling Alliance for European Integration have hardly any Russian-speaking members or MPs. The vast majority of the creative unions and NGOs supported by the authorities, including “human rights” groups, are focused on the Romanian-speaking part of the society.

Despite the fact that the ruling Alliance declares that it protects ethnic minorities’ rights, Russian-speaking residents of Moldova constantly feel discriminated against, and this refers, first of all, to the right to use the Russian language.

Local Bulgarians have also become subject to discrimination. As a result of the Government’s decisions, early this year Taraclia District, which is densely populated with Moldovan Bulgarians, was deprived of a number of public services, including the services provided by the Agency for Land Relations and Cadastre, Agency for Agricultural Subsidies, Labour Inspection and social security funds. Even the first aid center has been moved away. Back in 2011, the Government stopped transferring budgetary funds to the district. Early in 2012, the authorities demanded that the regional and local authorities close a high school where classes were taught in Bulgarian.

Back in September 2011, the Ambassador of Bulgaria to Moldova Georgi Panaiotov demanded that the Minister of Education, Liberal De-

mocrat Mihai Șleahțișchi, not carry out “optimization” of education in areas densely populated by Bulgarians. The Minister wouldn’t listen to him. But the embassy didn’t waive its demands. “Today, there are only 34 schools in Moldova where the Bulgarian language is taught, including Transnistria. The Bulgarian Embassy carefully studies these issues and presents them in information reports. The Government of the Republic of Bulgaria is familiar with the situation and is concerned with the problems of Moldovan Bulgarians,”⁴ Panaiotov said during his meeting with Bulgarians of Moldova.

At a meeting of the Municipal Council of Chisinau held on September 17, councillors voted for the closure of nine public schools. Seven of the nine schools closed by the Municipal Council conducted classes in the Russian language.

These trends towards discrimination against Russian-speakers, as well as the attack on the rights of the Bulgarian ethnic group, forced the Parliamentary Committee for Human Rights and Ethnic Relations submit a letter to Prime Minister Filat on February 1. In the letter sent on behalf of the Committee, the Committee’s Chairman, Vadim Mișin, expressed his deep concern with the Government’s Decree on the National Committee on the Functioning of Language (Comisia Națională pentru Funcționarea Limbilor) adopted on January 11, 2012.

In April, members of the ruling coalition initiated a procedure for the prosecution of elected local councillors who had decided to hang the historic red and blue flag of Moldova on walls of office buildings in their community, along with the national flag of the Republic of Moldova. As Prime Minister Vlad Filat said in an interview with Radio Europa Libera, all red and blue flags were removed and court cases were initiated on behalf of the State Chancellery of the Government. “It was not a spontaneous campaign, but a well-planned one. These decisions were not made by the municipal authorities of those cities, but by the Communist Party, which made the so-called decisions using its representatives on the municipal councils, but the decisions are illegal. I regret that the Communist Party of the Republic of Moldova is instigating people to break the law. The Communists are putting these people in a delicate situation,” Mr. Filat said. He promised to prosecute those who had voted for the approval of the red and blue flag, but without explaining the reason for the outrage over the country official flag. According to the Law “On Local Public Administration,” local authorities “approve the symbols of the administrative territory, establish or change the names of streets, squares, parks and other outdoor public places, establish the Dedication Day of the respective community, confer the title of honorary citizen of a village (commune)/city (municipality) on the most distinguished citizens of the Republic of Moldova and foreign nationals, in accordance with the law.”

On April 5, the only opposition TV channel, NIT, was deprived of its broadcast license, because, according to the Council for Coordination of Audiovisual Activity, it “lacked freedom of speech.” NIT TV channel was closed down on April 6, although it was the only television channel in Moldova broadcasting the majority of its programs in Russian.

Since the beginning of the year, 30 taxi companies in the capital were fined up to 2,000 lei for disobeying the law by continuing to provide most of their services in Russian.⁵

Furthermore, some medicines available in pharmacies are packaged with patient information leaflets not translated into the Russian language. Director of the Medicines Agency Alexandru Coman notes that according to the law, a package leaflet may be either in Moldovan or in Russian, but the Consumer Protection Agency says that pharmacies may be fined 3,600 lei, and importers up to 10,000 lei for this omission. Director of the Consumer Protection Agency Alexandru Cuzimuc noted that almost every inspection had revealed violations connected with the language of the patient information leaflet. All fines for the use of the Russian language were introduced by the parliamentary majority after the Law “On Advertising” was amended in April 2012.

On August 13, the Russian Youth League (RYL) of the Republic of Moldova issued a statement saying that “only a small percentage of the air time and publications in the Moldovan mass media are devoted to the life of the Russian-speaking population of Moldova and often present it in a negative light.”

In most instances, citizens of Moldova face discrimination on political grounds. This was the conclusion made by members of the Non-Discrimination Coalition at a press conference held on August 8. Natalia Podlisnik, a lawyer and non-discrimination hotline operator, noted that most callers complained about the inequality of rights due to their political affiliation.⁶

On November 21, it was learned that the Roma students at a high school in Otaci had been gathered in separate classes with a lower teaching quality compared to the one provided to Moldovan students.⁷

According to American journalists, the Jewish community of Moldova has decreased considerably. The main reasons they give are the low quality of life and anti-Semitism. “What’s surprising, however, is not that most Jews have left the country, but that many of them have stayed.” That was the conclusion made by a group of journalists on a media tour around the Jewish sites in Moldova. In particular, the journalists saw the abandoned cemeteries and tumble-down synagogues, the virtual disappearance of the Jewish religion in the capital and clear evidence of anti-Semitism. Limmud CIS, an organization headed by entrepreneur Chaim Chesler who initiated the Association’s conference held in Chisinau in June, intends to remedy the situation.

In December, the municipal authorities of Chisinau once again forbade the Jewish community from putting a menorah on public display during the Hanukkah celebration at the place chosen by the Jewish community for this purpose.⁸ In 2009, a group of Orthodox Christian citizens vandalized a menorah installed in the center of the city with official permission and made anti-Semitic statements. The Mayor's Office explained its actions as not wanting to exacerbate the interethnic situation in the city.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Discriminatory legislation affecting minorities residing in Moldova in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5
-	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin	0
×	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication	-5
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5
	Total for section 1	-15

2. Xenophobia and inflammatory statements of public authorities and mass media

The above-mentioned political confrontation contributes to the fact that the opposing sides develop nearly incompatible versions of history and different opinions on the surrounding reality and the future of Moldova. While Liberals and Democrats see the Soviet past only in the negative light of the “totalitarian communist regime” concept, Communists prefer to speak of the “negative practices of the Soviet past” distorting the communist doctrine. And vice-versa, while Communists keep recalling the “crimes of the Romanian regime in Moldova in 1918–1940 and in 1941–1944,” their opponents refer to Marshal An-

tonescu as a “moderate politician.” It is obvious that both parties understand “xenophobia” in very different ways. Liberals and Democrats striving to join the European Union believe that the easiest way to get there is to join Romania. They argue for the legitimacy of this approach by idealizing the Romanian past, including the history of 1930–1940s; and they condemn the Communists’ attacks on this past. At the same time, they depict the Soviet past in the darkest colors, with an emphasis on deportations, starvation and Russification.

Communists adhere to the opposite attitude. They approve the inclusion of Moldova in the Soviet Union, which they believe strengthened Moldovan statehood. At the same time, they remind their opponents of the pro-fascist nature of Codreanu’s Iron Guard and Romania’s support of Nazi Germany in the war during the rule of Marshal Ion Antonescu, who was convicted by the Nuremberg Tribunal. All of this defines the rhetoric and the motives of both parties in accusing each other of “xenophobia” and “inciting hatred.” Communists associate xenophobia with the authorities’ attempts to suppress the Moldovan language and the persecution of those who keep using the Soviet symbols. Thus, they see xenophobia as Russophobia, Moldovophobia and hatred of the Soviet symbols.

The beginning of 2012 was marked in Moldova by a flare-up of hysteria about the need to condemn and ban communism. The main arguments of supporters of this idea were deportations, starvation and the PACE resolution of 2006. However, the political background of the requirements for condemning communism in Moldova was evident. If the Parliament of Moldova approved the Committee’s report on the study and evaluation of the totalitarian communist regime, all communist symbols, the word “communist” and all of its derivatives in the names of parties and public organizations could be banned in the country. This would mean that the most influential political force in Moldova, the Communist Party, might have been banned and disqualified from possible early parliamentary elections. In order to prepare public opinion for the pending condemnation of and ban on communism, the ruling coalition launched a new draft bill in January. It was supposed to criminalize the denial of Stalin’s ethnic deportations and starvation. However, none of the significant political forces in the Republic of Moldova support or justify the malpractices of Stalin’s totalitarian regime. The Communist Party condemned them in 2008 in their party platform. Thus, the bill was intended primarily to provide a powerful media stream of anti-communism in pro-government media. At the same time, there was a clear tendency towards understatement, and in some cases justification of the crimes committed by Antonescu’s Romanian administration that had occupied Moldova. In January, the anti-communist hysteria was accompanied by acts of vandalism against

monuments to the fighters against fascism, campaigns of far-right nationalist organizations and parties with slogans for the unification of Moldova and Romania, as well as initiatives and provocative statements of the authorities.

The failure of the Latvian referendum on recognizing Russian as the second official language was the reason for Moldovan Liberal Valeriu Munteanu to declare a final break with the Soviet past in Latvia after it became a full member of NATO and the EU. He stressed that a lot of Russians had shown their support, but he concealed the fact that about 300,000 people in Latvia had not been able to participate in the plebiscite because of their lack of citizenship.

In June, the Moldovan Government took part in the opening of a permanent exhibition in Chisinau called Soviet Moldova: Between Myths and the Gulag. After visiting the exhibition, the President of Moldova Nicolae Timofti said that “all citizens of the Republic of Moldova and, first of all, students need to know the horrors our compatriots went through at the time of the great Soviet terror.” The Chairman of the Association of Former Deportees and Political Prisoners Valentina Sturza thanked the authorities of the Republic of Moldova for their concern for the victims of the deportations, saying that “until now, no government has ever shown such sympathy to these people and to our historical past.” The day before, the Mayor’s Office of Chisinau had provided one-time financial aid of 500 lei to the victims of deportation (more than 2,200 people).

However, these actions by the authorities were quite confrontational, although they could have been organized as events to commemorate the victims of Stalin’s terror representing all nationalities. Nevertheless, following the Baltic scenario, the Moldovan authorities took advantage of those events to present Stalin’s terror as the result of the Russians “occupying” Romanians. Meanwhile, Bessarabia being annexed by Romania in 1918 was a part of Russian Empire.

In an interview with the Romanian newspaper *Cronica Română* on July 22, the President of Moldova Nicolae Timofti said that the ban on communist symbols was meant, among other things, to improve the image of NATO in Moldova, since it was necessary “to get rid of the prejudice spread in Chisinau that NATO is an enemy.” And in his interview with *European Dialogue*, Timofti declared the Moldova-Romania border along the Prut “unfair.” “We would like to join Romania in the European Union. Up to now, we have been coordinating legislation, procedures and the mentality with the help of our brothers and partners from Romania. In other words, we are repairing all of the injustices that occurred during construction of the wall on the Prut River after the Second World War.” Timofti previously stated that he supported the unification of Moldova and Romania, thought of all the residents of the republic as

Romanians and was committed to preserving the Romanian spirit in them. That is why he favored the condemnation of the Soviet period in the history of Moldova. In fact, he actually agrees with the Romanian Unionists who demand the restoration of “Great Romania.”

As journalists learned, Timofti was outraged by judges speaking Russian when he was Chairman of the Supreme Council of Magistrates. This was his reprimand to Valentina Timoșenco, a judge from Bălți. After the judge proved she was acting within the law, she asked the Council of Magistrates for reinstatement, but she did it in Russian, which outraged Timofti, and he demanded that she be recertified by the qualifying board. In her defense judge Timoșenco said she could understand the state language, but she often conducted cases in Russian, as this language was predominant in Bălți, although she prepared documents in the official language.

At a parliamentary session on December 7, President of the Liberal Party Mihai Ghimpu said that the Russian language was “invasive” in Moldova. Discussions of the draft law on patents started when Liberal Valeriu Munteanu suggested that patent applications should be executed in Romanian and English, but not in Russian, as originally established in the draft. The proposal caused an intense discussion among the MPs, who wondered what Russian-speaking applicants were expected to do in this case. In response, Ghimpu said that “the Russian language destroyed the Romanian language; it is the language of Moldova’s occupation.”

On December 3, Ghimpu said in an interview with Radio Europa Liberă that he didn’t want an article on the official language of the Republic of Moldova to be introduced into the Basic Law, “I do not insist on the Romanian language, because I know that many people treat it as Moldovan. But I’d prefer that neither one of them were there.”

On July 21, in response to the Communists’ refusal to change their symbols, MPs from the Liberal Party said that Moldova might soon have political prisoners. They promised to introduce criminal penalties for violating the law condemning the Soviet period and a ban on communist symbols. The Democrats joined them in this two days later. In an interview with the Austrian newspaper *Die Presse* at the end of December, President Timofti commented on the hammer and sickle ban, “I see no difference between the Nazi and communist emblems, and I believe that the decision to ban the hammer and sickle passed by the Moldovan Parliament on July 12, 2012, is justified. These emblems stand for thousands and thousands of people deported and killed.”

On December 22, the pro-Democratic newspaper *TIMPUL* published an interview with Professor Dan Dungaciuc who described the thesis on the Moldovan sovereign nation as a “hypocritical” and “schizophrenic” idea. Dungaciuc, a Romanian political scientist, sociologist,

director of the Institute of Political Science and International Relations at the Romanian Academy, and former adviser to the leader of the Liberal Party Mihai Ghimpu on issues of the European integration, said that the struggle with the Communist Party was a struggle for the Romanian language and against Moldovanism. He called the struggle against the Communists as a “struggle for identity.”

In evaluating this trend, Doctor of Historical Sciences Peter Boyko said, “The official historiography of Moldova guided by unionist trends is striving to justify Romania’s involvement in the Second World War on the side of Nazi Germany. What can be said about the Battle of Stalingrad in a course on the History of the Romanians if Romanian troops were at the walls of the city, too? After all, local nationalist historians need to conceal the pernicious contribution of Romania to the war against the Soviet Union, whatever it takes. And the Romanians, in turn, were forcing people to rejoice at the success of Antonescu’s army on the Eastern Front during the occupation of Bessarabia.”

The way in which medieval and modern history is related to the revival of sentiment in Moldova is revealed in an article by the Romanian journalist George Damian, “The Fight for History at School,” published on March 20 in the newspaper *Timpul* financed by the Government of Romania. According to the author, “the Moldovan identity is an artificial thing created under pressure from the outside. That is why their history is the history of the Romanians and the language is Romanian.”

It should also be taken into account that Romania officially allocates funds from its budget to finance a number of nationalist publications and events in the Republic of Moldova. Funds are provided through the Department of Romanians. A list of the following mass media financed by Romania can be found on the Department’s official website.⁹

For some of them, even the amounts of funding allocated in 2011 are specified. The newspaper *Efigii identitare românești* was allocated 20,000 RON (4,600 euros); 49,778 RON (11,500 euros) was allocated from the Romanian budget to support the newspapers *Ziarul de Garda*; 89,996 RON (20,900 euros) was granted to *Timpul*; and 45,000 RON (10,400 euros) was provided to *Literatura si Arta*.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Xenophobia and inflammatory statements of the authorities and the media	-5
	Total for section 2	-5

3. Legislation and law enforcement practices preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist and anti-extremist legislation, and legislation directed against incitement of ethnic and religious hatred in the country.

Moldova has laws against inciting ethnic hatred: Article 346 of the Criminal Code of Moldova on Deliberate Actions Aimed at Inciting National, Racial or Religious Hatred or Discord. The Criminal Code of the Republic of Moldova also provides responsibility for genocide (Article 135), and for crimes against humanity (Article 135-1).

The criminal law of the Republic actually specifies four grounds for hate crimes: social, national and racial grounds or religious hatred. In practice, these provisions are rarely, if ever, applied. Acts motivated by hatred are usually punished, if at all, using ordinary laws that establish very mild sanctions, although Part 1 of Article 77 of the Criminal Code of the Republic of Moldova qualifies a hate crime as an aggravating circumstance.

An anti-extremist law was passed in 2003. Under this law, extremist activities include, without limitation, “any activities of a public or religious association, mass media or any other entity or individual that involve planning, organizing, preparing or perpetrating any actions aimed at inciting racial, national or religious hatred and social strife, associated with violence or incitement to violence, as well as propaganda of exclusivity, superiority or inferiority of citizens due to their religion or race, nationality, ethnic origin, language, religion, sex, opinion, political affiliation, property or social origin.” In the context of the law, the term “extremism” also includes “propaganda and public demonstration of Nazi emblems or symbols and/or emblems or symbols that may be confused with Nazi emblems and symbols.”

However, this law is not applied in practice, since the still existing legislation has not been brought into line with it. In particular, no appropriate amendments have been introduced into the Criminal Code, and the degree of punishment for extremism has not been determined.

The country has no legislation prohibiting the rehabilitation of Nazism and glorification of Nazi criminals and their accomplices.

In 2003, the Moldovan Parliament adopted the National Policy Concept aimed at supporting the development of the languages of ethnic minorities living in Moldova; ensuring inevitable responsibility for inciting ethnic hatred, propaganda of national superiority, provoking and committing of acts of vandalism and violence, violation of citizens' rights on ethnic and linguistic grounds; and establishing equal conditions for the social integration of all citizens regardless of their ethnic

background and language, etc. However, in present-day Moldova, the authorities no longer follow this Concept.

As early as December 1, 2011, the faction of the Communist Party of the Republic of Moldova registered a bill in the Parliament of Moldova prohibiting the rehabilitation of Nazism and glorification of Nazi criminals and their accomplices. Communist MPs proposed this draft law for discussion several times.¹⁰ But on March 5, 2012, the dedicated Parliamentary legal committee rejected this anti-Nazi law, as it allegedly “contradicted the Declaration of Independence of the Republic of Moldova dated 1991.” Then, on June 21 and July 11 (the day before the resolution condemning the Communist regime was passed), the parliamentary majority rejected the Communist Party’s proposal to include the bill in the Parliament’s agenda.

None of the members of the parties in the Alliance for European Integration supported the opposition’s proposal to include a paragraph in history textbooks condemning the rehabilitation of the Romanian dictator Ion Antonescu in the recommendation of the Moldova-EU Parliamentary Cooperation Committee (the Committee held a meeting in Brussels on May 29). Communist MP Inna Șupac, vice-chairman of the Committee and chairman of the organization Moldova without Nazism, stated this on June 6 in an interview with *Moldnyus*, stressing that Romanian MEPs were among those who voted against condemnation.¹¹

On June 21, Inna Șupac proposed that a bill prohibiting the rehabilitation of Nazism and glorification of Nazi criminals and their accomplices, registered by the Communist Party in December 2011 be included in the agenda of the Parliament of the Republic of Moldova. She noted that it would be a symbolic sign of the condemnation of Nazism on the eve of the 71st anniversary of the German attack on the Soviet Union. Șupac recalled that the bill was based on the model law of the Inter-Parliamentary Assembly of the Commonwealth of Independent States. In response, Liberal MP Gheorghe Brega said that he equated Nazism and Communism, “Nazism committed atrocities during the war, while communism did the same in peacetime. And it was not only because of Stalin, but also because of Lenin and others.”

In September, the Government approved a document banning marches of unionists. According to it, “propaganda of Moldova’s amalgamation with another state conducted by political parties or public organizations will be regarded as an attempt to undermine the sovereignty and independence of the country.” Chisinau Mayor Dorin Chirtoacă thought this bill was unreasonable and expressed the hope that it would not be passed by Parliament, “You cannot vote for such a bill in Moldova; otherwise, we will seriously violate the European Convention on Human Rights, which provides that every opinion may be publicly expressed, and the Government must ensure that any public

expression is peaceful. Anyone may say whatever they want, from topical and logical things to rubbish and nonsense.”

Thus, in today’s Moldova, there are only the *fundamentals* of anti-racist legislation laid down by the previous Parliament in the 1990s and the first half of the 2000s. Many of the laws previously passed are not applied today. Any attempts to pass other anti-Nazi and anti-extremist laws have been blocked by the ruling coalition. The only relatively “positive” Government decision banning unionists’ marches is still only a draft law that has not been considered by the country’s legislative body.

- Presence and improvement of anti-discriminatory legislation.

Moldova has taken a number of steps to comply with international and European standards on the prohibition of discrimination. The Labor Code of 2003 prohibits discrimination in employment on the basis of gender, race, nationality, language, social origin, economic status, religion, convictions and membership in public associations, as well as for other reasons.

The National Plan on Promoting Gender Equality in Society was developed in 2003, and a law on AIDS prevention prohibiting discrimination on the basis of HIV status was passed in 2007.

In May 2012, Parliament passed the first “comprehensive” anti-discrimination legislative act, the Equal Opportunities Act that came into force on January 1, 2013.

The Equal Opportunities Act prohibits discrimination on 11 grounds, including gender, race, religion and disability, as well as discrimination based on sexual orientation in employment. On December 20, Parliament established a board to prevent discrimination and ensure equality in applying the new law in practice.

At the same time, it is clear that this legislation requires further development and improvement.

- Compliance with anti-Nazi, anti-racist and anti-extremist legislation by the authorities (central, regional, municipal), law enforcement and judiciary, as well as their compliance with legislation directed against incitement of ethnic and religious hate.

In February, it became known that the local Bălți authorities intended to contest the march of the Romanian unionists from Acțiunea 2012 that was to be held in the city. According to the law, the city authorities have no right to ban any demonstration. However, according to Deputy Mayor Andrei Usatii, “the position of the city administration is that we cannot tolerate any actions intended, in fact, to undermine the state.”

“Today, they’re holding an event to commemorate the unification of 1918, and, say, in summer, they’ll try to hold a rally on the occasion of the Romanian troops entering Bălți in 1941, or, for example, on the

occasion of Marshal Antonescu's arrival in the city on July 17, 1941, when he gave an order to eliminate all civilians resisting the occupation." He recalled one of the fundamental principles of democracy, saying that "Freedom of one person ends where the freedom of another one begins." "I am convinced that the vast majority of the population of Bălți do not share the views of unionists and they won't be happy to watch them marching through the streets of their native city," he said, adding that "this whole situation might cause a conflict." According to him, the Mayor's Office will petition the court to ban this march not only as anti-state in nature, but also as dangerous for its possible unpredictable consequences.

On November 21, the Supreme Court of Moldova obliged the Court of Appeal in Chisinau to accept the claim of Pro-Moldova Association of Historians and Political Scientists against the Ministry of Education of the Republic of Moldova demanding cancellation of the Minister's order No. 124 dated March 7, 2012, providing for the introduction of the History of the Romanians into the school curriculum. A group of citizens file a complaint with the General Prosecutor's Office of Moldova about a number of history books on the History of the Romanians. They demanded that the authors of these books be charged with inciting ethnic hatred and humiliation of national minorities. The History of the Romanians was taught in Moldova after the collapse of the Soviet Union until 2006. In 2006, Communists replaced it with the Integrated History course. However, after the new government came to power in 2009, books on the History of the Romanians began to be released again, although, as already mentioned above, the Ministry only made the official decision in March 2012.

Lawyer Roman Aronov representing the petitioners stated that the textbooks offended the dignity of non-Romanian ethnic groups. "The authors explain that the social and economic ills of Bessarabia and the Republic of Moldova are due to the activities of certain nationalities; they depict minorities as colonizers and represent them as "immoral" citizens."¹²

In 2010–2012, monuments of the Soviet period in Moldova, mainly monuments to the fighters against fascism, were vandalized several dozens times, but the authorities never found the perpetrators in any of those cases.

- The fight against hate crimes (criminal cases against the organizers and participants; guilty verdicts).

It is not that hate crimes were typical of Moldova in 2012. However, those that occurred were inadequately investigated by the authorities.

Unionists held a march in Bălți on August 5, with the demonstrators demanding the unification of Moldova and Romania. Hundreds of po-

lice officers were mobilized in Bălți to deter the protesters. The event turned into a clash between the police and activists of left-wing parties opposed to the unionists. A journalist from Jurnal TV, Victoria Ocara, was injured by a stone thrown during the clashes, and was hospitalized with a head injury. Representatives of the Ministry of Internal Affairs reported that about 50 people were detained after the conflict, but all of them were later released.¹³ As a result, 16 criminal cases were initiated and another 154 people were fined a total of 100,000 lei. In October 2012, three criminal cases had already been brought to court. One of the cases involved minor injuries of a policeman, while the other two dealt with violation of the right to freedom of assembly and bodily injuries threatening to health. By the end of 2012, the remaining cases were also referred to the court.¹⁴

On September 15 and 17, an unknown person smashed a marble plaque with an inscription and a few tiles on the footpath leading to the monument to the Jewish victims of the Holocaust in Bender (Transnistria). The Jewish community also reported on a group of Neo-Nazis conducting anti-Semitic Nazi propaganda in Transnistria. This group posted a photo of the monument to victims of the Holocaust desecrated by a Nazi swastika and the words “Congratulations to the Holocaust” on a social network. Transnistrian authorities investigated the case¹⁵ without result.

On November 2, a cameraman of STS TV channel was beaten in Chisinau for speaking Russian.¹⁶ The incident occurred during the day in the center of the Moldovan capital. The cameraman’s injuries were moderate. The police arrived at the scene in time, and a police charge sheet was drawn up, but the attacker was not detained.

- Unlawful use of anti-extremist legislation.

Cases of misuse of anti-extremist laws have to do, first of all, with prosecution for the use of Soviet symbols. For example, on November 7, the Central Election Committee prohibited the Communist candidates from using the party’s symbols and printing them on ballots during the elections in the villages of Danu, Glodeni District, and Albina, Lomita Drea. On November 9, the Higher Court of Justice and the Court of Appeal of Chisinau supported this decision and dismissed the claims of the Communist Party against the Central Election Committee.¹⁷

In addition, on April 1, 2012, a number of parishes in Bălți were searched by police. On April 2, the Bishop of Bălți and Fălești, Markel commented on the police raids in search of the literature allegedly distributed by bishops among the congregation to promote protests against the anti-discrimination law. He said that it was an unprecedented event for Bălți churches, more typical of the totalitarianism of

1920s and 1930s. “This occurred under the Soviet totalitarianism of that period, but Moldova supposedly has a liberal pro-European government,” he said, noting that the police officers who searched the two churches in Bălți (Saint Constantine and Elena Cathedral and St. Paraskeva Church) explained shyly that they were fulfilling an order and pointed their fingers up somewhere.

Father Markel explained that the police came to the church in the afternoon of April 1, and showed a warrant issued by a certain S. Gorbinovsky and certified by judge Valeriu Pădurari. Law enforcement officers were searching the churches for the brochures that had been distributed in the Republic of Moldova for months and contained arguments against the adoption of a non-discrimination law.

PRESENCE OF CRITERIA	INDICATORS	SCORE
-/×	Presence of anti-Nazi, anti-racist and anti-extremism legislation, legislation against incitement ethnic and religious hatred in the country	2.5
×	Presence of anti-discrimination legislation	5
-/×	Compliance of the authorities (central regional, municipal), the law enforcement and judiciary, with anti-Nazi, anti-racist and anti-extremist legislation. Compliance with anti-discriminatory legislation and legislation directed against the incitement of ethnic and religious hatred	2.5
-/×	Counter-actions against hate crimes (criminal cases against organisers and participants, convictions)	2.5
×	Unlawful use of anti-Nazi, anti-discrimination and anti-extremist legislation	-5
	Total for section 3	7.5

4. Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

During the year, the opposition made statements against xenophobia and radical nationalism. No such statements by the President of the country Nicolae Timofti or the leaders of the ruling coalition were recorded in 2012, although they had many chances to do so,

since the opposition repeatedly came up with proposals for Parliament to pass anti-Nazi laws. But they were never approved by the parliamentary majority. As mentioned above, on March 5, the dedicated Parliamentary committee rejected a bill prohibiting the rehabilitation of Nazism and glorification of Nazi criminals and their accomplices registered by the Communist Party in December 2011. The Communists tried to reintroduce this bill to the supreme legislative body of the country on June 21, 2012, but it was rejected by the majority again. During the discussions, leaders of the ruling parties not only voted against the bill, but also expressed the need to equate Nazism and Communism, which actually eliminates the significance of the Holocaust and the essence of Nazism as an ideology and a practice associated with genocide.

The ruling nationalist parties did not support the opposition's proposal in June to include a paragraph in history textbooks condemning the rehabilitation of the Romanian dictator Ion Antonescu in the recommendations of the Moldova-EU Parliamentary Cooperation Committee (the Committee held a meeting in Brussels on May 29).

The political landscape itself, given the public speeches of radical nationalists, provided a lot of reasons to speak out on the subject.

Meanwhile, the opposition was using every opportunity to make statements against xenophobia and Neo-Nazism.

Communist MP Zurab Todua made a statement on this subject back in January 2012. In his speech, he noted that "the development of Neo-Nazi and revanchist attitudes in Moldova is synchronized with an attempt to revise important historical events. History is being falsified, the right-wing print media are questioning the crimes committed by German and Romanian fascists in Moldova and Odessa Region. They reject the multiethnic nature of the population of Moldova, and representatives of non-majority ethnic groups are again referred to as "aliens" and "invaders." The Communist Party as the main opposition force is struggling against these trends and patterns. We try to use any mass media we can to present the historical truth, we argue against the attempts to falsify history, we organize protests, pickets, demonstrations and marches against the desecration of monuments, etc."¹⁸

In 2012, declarations against xenophobia and radical nationalism were most commonly made by the leader of the Communist party Vladimir Voronin, and MPs from the same party, Mark Tkachuk, Zurab Todua, Inna Şupac, Gregory Petrenko, Alexander Petkov, Constantin Staris, Eduard Muşuc, and a number of others.¹⁹

Thus, the anti-Nazism issue was addressed in 2012 both in the media and in the Parliament of Moldova, but only through the efforts of the opposition.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
	Total for section 4	5

5. Activities intended to promote tolerance and prevent extremism

The opposing political forces interpreted these activities in different ways. For Communists, it was about honoring the Soviet soldiers who died in the war against Nazism and about events dedicated to the victims of the Holocaust. The issues of support for ethnic minorities were also discussed. In turn, Liberals and Democrats were nurturing recollections of the deported prisoners of the Gulag and other victims of the Stalinist regime.

On April 10, RIA Novosti held a video conference between Moscow, Kiev, Astana, Yerevan and Chisinau called “Life as Memory,” devoted to the International Day of Liberation of Nazi Concentration Camp Prisoners widely celebrated by the international community on April 11 and established in memory of the rebellion of Buchenwald prisoners. Chisinau was represented at the video conference by Inna Șupac and Deputy Chairman of the Moldovan Association of Former Ghetto and Concentration Camp Prisoners, Anatoly Gozun.

The video conference participants in Moscow, Astana, Yerevan and Kiev, namely, the Chairman of the International Union of Public Associations of Former Jewish Ghetto and Nazi Prisoners Yefim Gologorsky, the Head of Kazakhstan’s Memorial Zone scouting unit Maidan Kusainov, the Chairman of the Committee of War Veterans and Armed Forces of Armenia Petros Petrosyan, former concentration camp prisoner Nelly Shimiryán and the Chairman of the Presidium and Board of the Anti-Fascist Resistance Fighters’ Organization (OBAS) of the Ukraine Vitaly Kachanovsky told of the horrors that Nazi victims had experienced and concluded unanimously that those terrible pages of history must never be forgotten, so that no one ever repeats the calamitous mistakes of the past.

On April 17, the Jewish community of Bălți and two non-governmental organizations, Holocaust and Moldova Without Nazism, held a conference entitled “We Remember the Past and Strive for the Future” at the Jewish Community House of the charitable center Hesed Jacob. It was attended by the Chairman of the Jewish community of Bălți Lev

Bondari, MP of Moldova Inna Şupac, co-president of the Holocaust organization, Doctor of Historical Sciences Peter Schornikov, associate professor of the Institute of International Relations Sergei Nazarov, history teacher of Stefan cel Mare Lyceum Inna Gortolum, as well as community activists, historians, veterans and former prisoners of Nazi concentration camps, students, representatives of the city administration, mass media and other interested persons. The issues touched upon and discussed at the conference were intolerance and xenophobia in present-day society, aid provided to Neo-Nazi organizations by the authorities in some countries, including Moldova, revision of the outcome of the Second World War, distortion of the historical truth in school textbooks, and many others.

On April 19, a memorial meeting dedicated to the Day of the Holocaust and the heroism of European Jewry was held in Chisinau at the monument to the Holocaust victims. It was attended by representatives of the Jewish community of Moldova and diplomatic missions, teachers and students of the capital's educational institutions. To the sound of a metronome, the participants honored the memory of six million Jewish victims of the genocide with a moment of silence. Terrible pages of the history of the Jewish people were recollected and poetry in praise of the fallen heroes was recited at the meeting. The event participants vowed to “remember those horrible events to the tenth generation” and to live their lives so that they were worthy of the six million murdered Jews. In 1941, tens of thousands of Jews were shot, herded into ghettos or imprisoned in concentration camps. It should be noted that none of the country's senior leaders attended the event to honor the memory of the Holocaust victims.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Activities aimed at promoting tolerance and preventing extremism	5
	Total for section 5	5

6. Status of migrants and society's attitude towards immigrants, foreigners, different ethnic groups

Indicators

- Presence and improvement of immigration laws.

Moldova is one of the main sources of labor migrants to the CIS and the EU. The transition to a market economy in the early 1990s, de-

terioration in the economic situation and impoverishment of the population (up to 42% of the population was below the poverty line by 2001) caused massive labor migration in Moldova. While initially this process was of a shuttle or near-border nature, it later turned into an ongoing process, and the host countries were determined: CIS, mainly Russia, followed by foreign countries, first of all, Italy. According to the National Bureau of Statistics, 367,600 individuals left the country in search of work,²⁰ while the total population is about 3.6 million people. These statistics do not take into account illegal immigration, which is comparable to legal immigration. According to some experts, actual labor emigration from Moldova is about 700,000 people, i.e. every other employable person. And the migration potential is not yet exhausted.²¹ The financial contribution of migrant workers to the country is about USD 1.5 billion per year, or about 35% of GDP.²²

At the same time, despite the current difficult economic situation in Moldova, labor immigration can also be found here. Since 2006, the labor immigration quota has been completely utilized. The majority of immigrants come from CIS countries (50.5%); most of them from Russia (45%)* and Ukraine (48%). The shares of Armenia, Azerbaijan and Belarus are 2.4%, 1.8% and 1.45%, respectively.²³ The second largest number of immigrants (28%) come from Asia and Third World countries. They arrive mainly from Syria (25.8%), Jordan (15.6%) and Sudan (18%), as well as from Turkey and Israel (those arriving from the last two countries are usually returning migrants).

Initially, the high proportion of immigrants from these countries was due to the facilitation of foreigners' enrolment in higher education institutions of Moldova, with the subsequent increase in labor migration and immigration for family reunification reasons.

Immigrants from European countries are in third place at 17.5%. Of these, 31.2% are migrants from Romania, 12.3% from Bulgaria and 6.6% from Germany. The share of the USA is 5.3%. Immigration from the EU was largely due to the kinship with residents of Moldova (for Romania and Bulgaria), as well as to economic affairs (for Germany and the USA).

One of the immigrants' qualitative characteristics is their relatively high level of education. The share of immigrants with a college or university degree is growing. Whereas in 1997, the share of immigrants with a certificate of higher education accounted for 16.7% of the total number, in 2008 this index reached 32.9%. Recently, migrants who graduated from the universities of Moldova have also been included in this category.²⁴

However, the number of immigrants to Moldova is significantly lower than the number of those who leave it. Today, about 17,000 for-

* A significant portion of the immigrants from Russia come from the North Caucasus; they left the country during the local military operations in the 1990s and early 2000s — *editor's note*.

eigners with a residence permit live in Moldova.²⁵ About 2,000 of them are students who have no right to work according to the applicable law.²⁶ Just over 4,000 foreigners live in Transnistria.²⁷

Moldova has immigration legislation based on two basic laws: the Law on Labor Migration (2009) and the Law on the Regime for Foreigners in the Republic of Moldova (2010). They set the rules for foreigners' stay in the country, including quotas for migrant workers, determine the rights of Moldovan labor migrants going abroad and provide tight control over the activities of employment agencies.

- Authorities' compliance with such legislation (law enforcement practice).

Monitoring did not reveal any problems with the application of immigration laws in the Republic of Moldova in 2012.

- Discriminatory practices against migrants.

Monitoring did not reveal any instances of discrimination against migrants in Moldova in 2012.

- Using the "ethnic crime" issue to discriminate against migrants.

There is no such problem as "ethnic crimes" in Moldova.

- Social assistance provided to migrants.

Schedule 1 to the law on labor migration of the Republic of Moldova sets out the Essential Terms and Conditions of an Employment Contract. They specify, among other things, that an employer shall provide an employee with paid annual leave, cover the travel expenses for moving to and from Moldova, provide housing, health insurance, occupational injury insurance, etc.²⁸

Apart from that, large-scale violation of Moldovan migrants' rights abroad has forced the authorities to seek a solution to the problem by signing bilateral agreements with the countries where the majority of emigrants from the Republic of Moldova work.*

The first such agreement was signed in 2002 with Italy as the most attractive country for Moldovan labor migrants. It was renewed in 2011. In its relations with other EU countries (first of all, with Spain, Greece and Portugal, which are also popular among the citizens of the republic) Moldova is guided by the Declaration on a Mobility Partnership between the EU and Moldova that was signed by 15 countries.²⁹

In 2012, the republic started negotiations on the signing of a migration agreement with Russia, the most popular CIS country in this

* At the same time, Moldova did not join the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families — *editor's note*.

respect. Moldova also signed agreements that make it possible for migrants to receive the pensions they have earned abroad. As at the time of the monitoring, such agreements had been signed with Bulgaria, Portugal, Romania, Luxembourg, Austria, Estonia, the Czech Republic and Belgium.³⁰ Negotiations with Italy on this subject are underway.

According to the principles of international law, Moldova not only received commitments from its partners under these agreements, but also committed itself to ensuring social security for migrant workers from these countries.

However, Ukraine, Belarus and some other countries whose citizens reside temporarily or permanently in Moldova are still outside of these agreements.

- Negative attitude towards migrants, foreigners and various ethnic groups in society.

Most residents of Moldova do not want the republic to join Romania and do not believe that it can propel the country toward European integration. According to a survey of the GeoPol Institute, only 7.7% agree that Moldova is unable to solve its problems without Romania's support, while 60.6% totally agree that Moldova and Romania are two different states and that they should develop independently. Another 20.3% thought that this statement was correct to a certain extent. 7.3% partially disagreed with this statement and only 4.6% said they strongly disagreed.³¹ Only 21.3% strongly agreed that closer ties with Romania would help Moldova integrate into the EU faster, while 18% said they would agree only partially, another 19.2% partially agreed, and 32.8% strongly disagreed. In addition, 26.1% strongly agree that Moldovan and Romanian are the same language, 18.3% agree with this statement only partially, 18.8% partially disagree, and 31.3% strongly disagree. At the same time, 40.6% strongly agree that they will never support the political forces that promote the messages of unionism, another 18.5% partially agree with this statement, while 13.5% partially disagree, and 14.7% completely disagree with this interpretation. As for the question of whether Moldova is able to solve its problems without the support of Romania, 42.5% answered that the country is able to do so, another 26.2% said that it is, but only to a certain extent. Only 7.7% said they strongly agreed that Moldova could not solve its problems without Romania, and 13.1% partially supported the statement.³²

According to the Barometer of Reintegrated Opinion, only 14% of the respondents are in favor of teaching the History of the Romanians as a school subject, while 58% of the respondents wanted children to study History and not the History of the Romanians at school. The survey was commissioned by one of Moldova's information portals and

conducted by IMAS-INC on both banks of the Dniester from April 10 to 24, 2012. A total of 1,105 respondents from 75 villages were surveyed. The margin of error is about 2.9%.³³

In September, according to the voting results, 84% of the television audience voted against unionist campaigns.³⁴

According to a survey commissioned by the IMAS Institute in early November, two-thirds of Moldovans want the official language established in the Constitution to be called “Moldovan,” and only 22.7% are in favor of the name “Romanian.”³⁵

On November 20, it was reported that according to the Barometer of Public Opinion, 46.1% of citizens oppose Parliament’s decision to ban communist symbols, and 39.9% approve of it.³⁶

On November 27, it was reported that some employees of Moldova’s public institutions admit to xenophobia and a desire to oppress Russian-speaking citizens. Similar entries were posted on Facebook by the President of the University of Medicine and Pharmacy Nicolae Testimîţanu, employee of an emergency care hospital Daniel Moskalenko and officer of the Ministry of Internal Affairs Sergiu Puiu. Moskalenko complained that patients did not understand the national language and that he could “barely control his temper” in such cases. During the discussion, Sergiu Puiu suggested prescribing a laxative for these patients, and other participants even recommended slapping the patients or using a bat or a golf club to punish those who do not speak the national language. It was later revealed that a complaint had been filed against Puiu for similar outbursts of xenophobia in 2007.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence and improvement of immigration laws	5
×	Authorities’ compliance with such legislation (law enforcement practice)	5
–	Discriminatory practices against immigrants	0
–	Use of the “ethnic crime” theme in order to discriminate against immigrants	0
×	Social assistance for immigrants	5
×	Negative attitude of the society towards immigrants, foreigners, various ethnic groups	–5
	Total for section 6	10

7. Incitement to ethnic and religious hatred

Indicators

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

In the Republic of Moldova, it is not so much about ethnic and religious strife, as about the political confrontation between the right-wing and left-wing forces provoking this strife, with an active role played in it by some TV channels on the side of the ruling Alliance.

For example, on January 25, the public TV channel Moldova 1 was broadcasting an hour-long TV show dedicated to the condemnation of Communism. But when historian Anatol Dubrovshii tried to mention the crimes of the Romanian regime committed in Moldova during the interwar period and war time, the TV hostess interrupted him with the words, “We are interested in what happened in the Moldavian Soviet Socialist Republic, and not in something that was going on during other historical periods.”³⁷

Then, the news portal Grenada pointed out that historical videos had been falsified in a report of the private Moldovan TV channel Publika TV. This TV channel supported the comments of Liberal MP Valeriu Munteanu on the “crimes of Communism” with videos from the chronicles of the Jewish ghettos and concentration camps built by the Nazis in Germany and Romania during World War II. As the journalists of Grenada noted, “it was evident from the video presented by the TV channel, since the editors hadn’t even removed the fascist poster depicting the communist symbols as equal to the Star of David, one of the symbols of the Jewish people. The fascist propagandists used this comparison in a negative anti-Communist and anti-Semitic sense.” It was not the first instance of documentary materials being deliberately falsified. The most outrageous case of fraud occurred in 2010, when the state-owned film studio Moldova-Film released the film *The Golgotha of Bessarabia* commissioned by the Ministry of Culture, where the footage of people being sent by the Nazis to death camps is presented as evidence of Moldovans being deported by Soviet soldiers, and footage from German concentration camps is used to illustrate the crimes of the Soviet regime. The documentary footage from the archives of the Ministry of Propaganda of Nazi Germany was borrowed from the well-known Soviet anti-fascist film *Ordinary Fascism* by Mikhail Romm, which was awarded prizes at European film festivals. Students were brought to see this fraudulent propaganda film involuntarily by order of the Ministry of Education. The film was broadcast on the public TV channel Moldova 1 and the Prime channel that rebroadcasts the Russian Channel One in Moldova.

On November 14, the Publika TV web portal published an anti-Jewish essay by the extreme right-winger Nicolae Gârbu accusing the Jews

of starting both world wars and of all the “negative results for Europe in the 20th century.” According to him, the Holocaust was supposedly the Nazis’ response to the economic blockade of goods from Germany organized by Jews all over the world.

In autumn, the unionists’ marches and demonstrations by their opponents were hotly debated on the VoxPublika TV show. Some of the guests thought that the unionist campaigns should be prohibited, as they were leading to the breakup of the country. Others approved of the intentions to unite Moldova and Romania. “Joining Romania is a natural process, and it will take place because it’s the shortest path to membership in NATO and the EU,” said the Chairman of the National Liberal Party Vitalia Pavlicenco. “You are not uniting society, but splitting it, dissecting, breaking it up. The state is Moldovan. The people or citizens living in Moldova are Moldovans,” said the secretary of the club Scutul Moldovenesc Igor Sirbu. According to some experts, the authorities are taking advantage of these campaigns. “The current government benefits from people taking to the streets and fighting each other, while we are sitting and discussing it all here. Meanwhile, millions leave,” said the former Moldovan Ambassador to the Council of Europe Alexei Tulbure.

The municipal newspaper Capitala glorified the feat of Romanian pilots bombing Chisinau during the Second World War under the leadership of Marshal Antonescu.

Nationalist graffiti appears at times in Moldova. For example, on November 6, an unknown person wrote “Moldoveni deci romani” (“Moldovans means Romanians”) on the fence in front of the parliament building in Chisinau.

An activist of the National Liberal Party, Vasile Sinigur, spoke at a joint press conference together with party leader Vitalia Pavlicenco and claimed that he “had done nothing wrong” by painting the stele at the entrance to the city of Comrat with unionist slogans. Sinigur himself is a resident of Comrat, but he believes that the territory of Gagauzia is part of the “Romanian Land.” According to him, he wrote the unionist slogan “The Great Romania” “on some walls” on the way to Chisinau, but he could see nothing wrong with it. “What crime have I committed? Yes, I wrote ‘The Great Romania.’ It has long been a Romanian land, and I can’t see anything wrong with writing it,” Sinigur said. He tried to explain to the police that the inscription “Gagauziya Komrat dolay” (Gagauzia, Comrat District — *editor’s note*) was “wrong.” “It should have said, ‘The Republic of Moldova, the city of Comrat, Gagauz Autonomy.’ I explained it to them, and some of them even agreed with me,” he said and added that he thought the flag of Gagauzia was “illegal” too. “There is no such state as Gagauzia. You’ve been given autonomy, so just develop your language, that’s it. It’s all you have, so far,” the unionist concluded. In response to the incident, the police filed

criminal charges under Article 287, Part 3 of the Criminal Code of the Republic of Moldova: Malicious Hooliganism.

- Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.

Of the eight books published in 2011 with the support of the Department for Relations with Romanians Living Abroad of the Ministry of Foreign Affairs of Romania, six are directly or indirectly devoted to the vilification of the Soviet period of Moldova. These are: *The Mechanisms of Power of the Totalitarian Communist Regime in the Period of Bolshevism. The Impact on Bessarabia and Transnistria*; *The Orthodox Church of Bessarabia and Transnistria (1940–2010)*; *Bessarabia, Romania, and the Geopolitics of the Great Powers (1914–1947)*; *The Suffering of the Romanian Language in Bessarabia*; *The Openness to Universalism. Romanian Literature in Interwar Bessarabia*; and *The Romanian Voice East of the Dniester River*.

In March, the question of history as a school subject was raised as a critical issue again. It was reported that starting from the academic year 2012–2013, Moldovan students would study a subject entitled *The History of the Romanians and World History*, instead of the former *History* (the latter was introduced by the Communists in 2006, in place of the *History of the Romanians*). This information was confirmed by a member of the Liberal Democratic Party, the Minister of Education M. Șleahțiți. According to him, the percentage of the syllabus should change. Until now, 50% of the total textbook content was devoted to *World History* and 45% to the *History of the Romanians*, but starting from the academic year 2012–2013, the share of the latter would be 55%, the share of *World History* would be 45%, and 5% would be given to local history. According to the minister, that is why it was decided that the name of the subject should start with *The History of the Romanians*.

This caused a negative response from civil society. Thus, on 19 March, it was reported that a complaint was filed against some authors of textbooks on the *History of the Romanians* in the Prosecutor General's Office demanding the initiation of a criminal case for incitement to ethnic hatred and humiliation of the national honor and dignity.

On March 19, the media reported that students of the metropolitan Jewish school were advised to speak highly about the time of the Romanian occupation and to bad-mouth the Soviet period in order to pass the exams successfully. According to the outraged parents, the school was preparing for final exams in history, and therefore the teacher handed out the exam questions and asked students to prepare by writing essays on the given topics. At the same time, the teacher gave clear recommendations on what exactly should be written to pass the exam. According to the parents, "It was said in plain language. The questions

were mainly about the positive impact of Bessarabia being part of Romania in 1918–1940, the upsurge in the economy, education and culture as a result of it, and the ‘lawlessness’ of the Soviet troops.” “We were shocked, we hated it, but we understand that it was not the initiative of the school principal or teachers. They have to follow the guidelines to maintain the school as it is now,” the parents noted, adding that “these standards are forced on teachers as guidelines when all the teachers are gathered at meetings.”

After analyzing the history textbooks, experts Iosif Belous, Nicolai Rusev and Sergiu Rața came to the conclusion that they were promoting xenophobia, intolerance of ethnic minorities and territorial claims on the neighboring states. The socialists’ statement also emphasizes that “today, history is being used to provoke discord in our society, and the name itself, the History of the Romanians, gives rise to ethnic hatred and causes a rift in our multicultural and multiethnic society.”

The head of the Gagauz Autonomy, Mihail Formuzal, told Publika TV that the authorities of Gagauzia would never agree to students studying the History of the Romanians. If they decide that too much attention is paid to the History of the Romanians, and not to the history of the Moldovan state, local authorities will draft their own law on the study of this subject. The Minister of Education Mihai Șleahțițchi described the refusal of the Gagauz authorities to introduce the History of the Romanians in schools as “contradictory to the public interest of the Republic of Moldova.”

A group of advisers of the Bălți City Council representing the Communist Party argued against the History of the Romanians as well. As Vice-Mayor Alexandr Usatîi said, “Unfortunately, our statement cannot change the school curriculum in the municipality in itself. Moreover, unlike Gagauzia, we are bound to comply with any such decisions of the central authorities. However, by voicing our position on this issue, we will prove to our voters once again that we are on their side and will protect their interests.”

In his History of the Romanians, N. Enchiu notes that “the industrial and banking capital *owned by national minorities* was still prospering, while among representatives of the Romanian nationality only a slow progress could be observed.”

Nevertheless, the court refused to hear the complaint filed by the Pro-Moldova Association of Historians and Political Scientists against the History of the Romanians taught in Moldovan schools. The Appeals Chamber of Chisinau refused to consider a claim of civil society against the Ministry of Education for restoring this subject. Nothing has changed fundamentally with the arrival of the new Minister of Education Maya Sandu either.

In May, there was a scandal over the St. George ribbon. On May 9, Anatol Petrencu accused the Communist Party and the Moldovan Com-

unist Youth Union of trying to corrupt citizens by giving out St. George ribbons. “Chisinau is flooded with huge billboards with the symbols of the Soviet Army and slogans ‘Happy Victory Day!’ or ‘May 9 — Victory Day.’ It is no longer a surprise for anyone that on the eve of May 9 groups of young people speaking Russian hand out bi-colored St. George ribbons left and right,” he said.

Commenting on the subject of St. George ribbons, the President of Union Media Grup, journalist Val Butnaru, said that Moldovan citizens do not exist. “As long as Russians who believe their homeland is Russia are here, this will be true. Politicians, who say that Moldovans live here are wrong. Moldovans do not exist. Russians and Romanians live here. Moldovans are a Russian product. It would be normal if each group had its own symbols and didn’t impose them on others. But the Russian scriptwriters have decided to promote their St. George ribbon aggressively and shove them furiously down our throats.”

On July 29, Publika TV aired a VoxPublika how on the subject “Should Soviet monuments be destroyed or not?” During the discussions, Inna Şupac noted that while Soviet symbols are being banned and Soviet monuments are being vandalized, modern textbooks on the history of the Romanians present Antonescu as a hero and omit mentioning the more than 300,000 killed on his orders. In response to this, the historian and member of Gimpu’s Committee Veaceslav Stăvilă said, “I agree that we should establish a Committee on Antonescu. I’m the only Doctor of Historical Sciences from the Republic of Moldova who was granted his degree for research on what was happening here from 1939 to 1945. My thesis was presented in 1994; I was a young man of 29, and here is what I found out. I discovered that there’s not a single drop of Jewish blood on the hands of Marshal Antonescu, not a single drop!” Later, during the skirmish, Stăvilă said that there were documents in the National Archives proving that only 20,000 people were killed, not 300,000, and they were shot by the German army. “All the rest is Communist propaganda.”

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts	-5
	Total for section 7	-10

8. Ultra-nationalist groups and parties

Indicators

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).

The Romanian movement Noua Dreaptă (New Right) is an organization that promotes extremist and xenophobic ideas based on the principles of legionary movements. Members of the organization praise the leader of the legionary movement Corneliu Zelea Codreanu and the fascist criminal Ion Antonescu. That is why the organization is banned in Romania.

In November 2009, shortly after a new government took office in the country, the Ministry of Justice of Moldova registered the National Christian movement, a wing of Noua Dreaptă. At that time, the post of the Minister of Justice was held by a protégé of the Liberal Democratic Party, Alexandru Tănase, the current chairman of the Constitutional Court.

Radical nationalism is preached by the National Liberal Party of Vitalia Pavlicenco and the European Action Movement headed by Anatol Petrencu and Veaceslav Untila.

The Civic Platform Acțiunea 2012 (Action 2012) established in 2011 has positioned itself as a coalition of non-governmental organizations and initiative groups that support the unification of the Republic of Moldova with Romania and advocate “the achievement of the main goal of past, present and future generations, namely, the unification of Romanians on both banks of the Prut into a single Romanian state.”

- Discriminatory demands in party platforms and in the statements of their leaders with respect to minorities.

On January 25, 2006, the Parliamentary Assembly of the Council of Europe passed Resolution No. 1481 on the “Need for International Condemnation of Crimes of Totalitarian Communist Regimes.” Moldovan right-wingers use this Resolution in the political struggle against the most powerful force in the country, that is, the Communist Party. They assert that both Communism and Nazism are criminal ideologies equally responsible for the crimes of the 20th century, including the outbreak of the Second World War. On these grounds, the right-wingers are calling for a ban on Communist symbols, the word “Communist” and the Communist Party itself, and for unification with Romania. The latter is supported by some Romanian politicians and their provocative slogans. In this context, the Communist Party is perhaps the main political force for defending the independence of the Republic of Moldova.

The third congress of the National Liberal Party was held on December 3, 2011. The congress adopted a new party constitution with Clause 6 stating, “The Party attaches great importance to Euro-Atlantic integration, a process that can be implemented by unification with Romania. Thus, the party is fighting expressly for unification with Romania. The consequences of the Molotov-Ribbentrop Pact, which caused damage to the Romanian people, need to be eliminated immediately, so that the historical truth of the unity of the Romanian people is restored.”

The Moldovan Ministry of Justice did not find sufficient grounds to deny registration of the amendments to the constitution of the National Liberal Party that establish the purposes of Moldova’s unification with Romania.

On January 17, a letter from the Minister of Justice Oleg Efrim, a protégé of the Liberal Democratic Party of Moldova, to the President of the National Liberal Party, Vitalia Pavlicenco, was published. The letter stated that although the amendments to the party’s constitution, whereby the party will demand that the consequences of signing the Ribbentrop-Molotov Pact be eliminated and Moldova be united with Romania, “could be interpreted as contrary to the principles of sovereignty and independence, this alone cannot be the reason to ban the party only on the basis of public statements.” The Minister specified that “de jure, the proposed amendments are in conflict with the provisions of the Basic Law and special laws, but not when they are mere political declarations, or when they are petitions for amendments to the party’s constituent documents. De facto, from the time they are implemented in the new party constitution, the amendment cross the line of mere statements made in the context of public debate and political pluralism. By their nature, these statements of the National Liberal Party, as part of its political platform, could lead to a number of reasonable questions: how and by what means the party proposes to achieve the stated objectives at the point where they go beyond mere political statements and become part of the party’s constitution. The simple statement that it’s “only through peaceful means” is insufficient to identify the methods and means used.” By resolution of Minister Efrim, registration of the amendments to the party’s constitution was referred to the Constitutional Court.

Early in February, Vitalia Pavlicenco published a draft manifesto for the consolidation of unionist forces. She stated that “the need to ensure continuity of the Council for Unirea (translated as Unification) established by the signatures of 84 MPs of the two Romanian states in January 1991” had been acknowledged. Pavlicenco invited everyone “who now shares the views of that time to join and contribute to reviving the spirit of the Council for Unirea.” According to her, “We do not

have to plead for Unirea with Romania either with Moscow or with Brussels; we must have Unirea because it is inspired by God!” Pavlenco reported on the “creation of a task group develop the concept of a Council for Unirea that will try to convince the people, parliaments and governments of Chisinau and Bucharest that Unirea should become our mission based on the will of the Romanians and the Declaration of Independence of the Republic of Moldova.”

The Council for Unification was officially established in Chisinau on February 29. It approved the Declaration based on the Declaration of Independence of the Republic of Moldova adopted on August 27, 1991. The Declaration of Unification was signed by some members of the first Parliament of Moldova, including its speaker, Alexandru Moșanu, as well as former Prime Minister of Moldova Mircea Druc, Ilie Ilașcu and media executives, companions of the most honorary orders of Moldova, a number of politicians and cultural figures.

According to the authors of the document, the year 2012 is a symbolic year of the 200th anniversary of Bessarabia’s annexation by the Russian Empire, “We, as campaigners for the return of historical Romanian territories to the Romanian Motherland, want to return to our fellow citizens the belief that living next to their Romanian compatriots will be positive and secure, and that their children will have a decent future.” “Unification must become our creation based on the will of the Romanians and the Declaration of Independence of the Republic of Moldova,” the Declaration emphasizes.

At that, supporters of eliminating Moldovan statehood refer to the position of the former Romanian ambassador to Moldova F. Teodorescu. At a press conference on November 29, 2007, he said that, “Romania no longer considers the Paris Peace Treaty of 1947 a valid international legal act... The Peace Treaty of 1947 is a historical fake signed because Romania was a defeated and occupied country.”

At the same time, in his interview with Timpul, the Ambassador Extraordinary and Plenipotentiary of Romania in Chisinau Marius Lazurcă demanded that the unionist attitude be treated as a manifestation of European aspirations. He condemned the protests against the march for unification of Romania and Moldova planned in Chisinau on March 25, saying that those who oppose the unionists’ campaigns wanted to build an “Asian Moldova.”

In early November, President Nicolae Timofti accused the Gagauz of lack of loyalty to the Moldovan state and condemned them for learning the Russian language. This provoked a harsh response from Turkey. At a meeting with the Prime Minister of Moldova, Vladimir Filat, in Ankara, the Speaker of the Grand National Assembly of Turkey, Cemil Çiçek, said that Turkey’s advice to the Moldovan authorities was not to infringe on the Gagauz identity. In turn, Mr. Filat praised the Turkish

authorities for their support of the process of integrating the Gagauz into Moldovan society and stressed the important role of autonomy in establishing relations between Moldova and Turkey.

- The influence of Neo-Nazis and radical nationalists on civil society, including opposition and human rights organizations.

Since the time the nationalists came to power, their impact on Moldovan society has intensified. Rallies of their supporters have become widespread.

For example, on January 14, about a hundred people held a protest in front of the Russian Embassy in Chisinau and the Ministry of Foreign Affairs and European Integration. The protest was organized by the Civic Platform Acțiunea 2012. The occasion was a tragic incident at the peacekeeping station near Vadu lui Voda, where a resident of Moldova died.

The protesters demanded that the Russian peacekeepers be withdrawn and chanted, “Russia, go home!” and “Russia, don’t forget, Moldova is not yours!” Some slogans were intended to remind the authorities that Moldova had once been part of the Greater Romania: “Trăiască, trăiască, trăiască, Moldova, Ardealul și Țara Românească!” (Long live Moldova, Ardealul and Țara Românească!). A representative of the Civic Platform, Gheorghe Simion, noted that the Acțiunea 2012 movement was fighting for the unification of Moldova and Romania. One of the participants in the protest meeting was Vitalia Pavlicenco.

On January 24, the National Liberal Party of Moldova held a grand auto rally with tricolors and flags in the streets of Chisinau to commemorate the 153rd anniversary of the Union of the Romanian Principalities. According to Vitalia Pavlicenco, the campaign was meant to refresh the memory of the Romanians and raise the profile of the unification of Moldova and Romania. “This year, the NLP decided to organize a unique event, a grand auto rally to encourage unification with Romania,” she said.

The burst of activity of right-wing and extreme right-wing pro-Romanian nationalist political forces in Moldova in February 2012 took place on the eve of historical anniversaries: the 200th anniversary of the May Treaty of Bucharest under which the eastern part of Moldavia, Bessarabia, became part of the Russian Empire, and the unification of Bessarabia and Romania on March 27, 1918. All actions of the ruling and extra-parliamentary right-wing parties, as well as of movements and nationalist associations, were intended to besmirch anything that connected the Moldovan history with Russia and to praise Moldova’s occupation by Romania at the same time.

The Civic Platform Acțiunea 2012 announced a series of information campaigns and public demonstrations to be held in 2012 to achieve

its goal. In February 2012, the organization announced that all regions of Moldova had been included a campaign for distributing stickers saying “This place is Romania” (AICI e ROMÂNIA). It also announced that two other campaigns would be held in the near future to support the unification of Moldova and Romania, as well as in the context of the “200th anniversary of Bessarabia’s annexation by the Russian Empire.”

On February 5, Acțiunea 2012 filed a statement addressed to the Ministry of Justice of Moldova saying that “the desire for unification of Moldova and Romania cannot be prohibited by law.” It criticized the decision of the Ministry of Justice to request the Constitutional Court to check whether the constitution of the Moldovan National Liberal Party, which expressly calls for the elimination of the Moldovan state and unification with Romania, complies with the Constitution of Moldova. Acțiunea 2012 explained its appeal by saying that “the goal of eliminating the consequences of the Molotov-Ribbentrop Pact and the desire for unification of Moldova and Romania cannot be prohibited by law.”

In March, Acțiunea 2012 together with Noua Dreapta (New Right) and the National Christian Movement celebrated the 94th anniversary of the Zemstvo’s (country council — *editor’s note*) vote to appeal to Sfatul Tarii for annexation of the Moldavian Democratic Republic to the Kingdom of Romania. The two-day celebration took place in Chisinau, Bălți and Ungheni.

At the same time, some mass media condemned the fact that “the Ministry of Justice did not find any sufficient grounds to deny registration of the amendments to the constitution of the National Liberal Party headed by Vitalia Pavlicenco concerning Moldova’s unification with Romania.”

Later, on May 13 and 16, the Council for Unification of Moldova and Romania held events to mark the 200th anniversary of “the day when Bessarabia was occupied by the Russian Empire.” According to the organizers of the demonstrations, “this is a day of mourning for all Romanians that cannot be forgotten.” On May 16, by order of General Mayor Dorin Chirtoacă, all flags in Chisinau were flown at half-mast in memory of the “occupation” the territory of Moldova between the Prut and the Dniester by the Tsar’s army 200 years ago. “Thus, in these days of ‘National Mourning,’ Romanians must never forget the crimes of Russification and denationalization, destruction of the intellectual elite and farmers, mass deportation and famine committed by the Russian and Soviet occupiers in Bessarabia,” the Council said.

The youngest representative of the Republic of Moldova at the Olympic Games in London, the 15-year-old archer Dan Olaru, who carried the national flag of Moldova at the opening ceremonies, admitted that he shared the concept of unionism and thought of himself as a Ro-

manian. He had been involved in many events held by supporters of the unification of Moldova and Romania, including the march on May 13. According to him, he was inspired by the idea that “we are one people; I hope unification will happen and we will become one great nation again, as before.” The athlete said that he had got his ideas of unionism from his mother, a history teacher, who had always told her son that this territory was inhabited by Romanians and not Moldovans, and that they spoke Romanian. Dan Olaru’s greatest dream is to represent “Greater Romania” at international competitions, which he hopes will come true in 5 or 7 years.

Between July 20 and September 25, the Civic Platform Acțiunea 2012 held seven summer schools as part of the “Leaders for Unification” project. The program is addressed to young adults under the age of 30 living in the Republic of Moldova and supports the idea of the unification of Moldova and Romania. Campaigns promoting the idea of the national consolidation were held in the Moldovan and Romanian cities of Soroca, Alba-Iulia, Nisporeni, Constanta, Bucharest and Chisinau.

On July 17, the NGO Memoria of Florești Region organized a wake for the “Romanian heroes” who had died here in battles with the Red Army in 1941. In a press release entitled “The Funeral of the Romanian Soldiers Who Died for the Liberation of Bessarabi,” members of Memoria specified that the “Romanian heroes” were buried in the village Vărvăreuca of Florești Region and had been fighting in German army corps No. 30.

In August, the Romanian cultural association Pro Basarabia și Bucovina, a branch of Vasily Voloș, Central Judetean pentru Conservarea și Promovarea Culturii Traditionale (District Center for Promotion of Traditional Culture), Casa de Cultura a Municipiului Brâila (Palace of Culture of Brâila Municipality, Romania), together with the Palace of Culture Strasenii Moldova, organized a series of events devoted to the victims of Stalin’s deportations called “The Name of Bessarabia as the Whole History” (Basarabia, un nume cât o istorie întregă). The events began with a funeral service conducted in St. Paraskeva Church in Brâila by the priests, brothers George and Stefan Stan. They said that the church service was intended to refresh the memory of the Romanians and bring a gift to God to those who had died far from home for the prosperity of the Romanian people. “We are conducting this service together with those from Bessarabia. We think and feel like the Romanians, and we are happy that all of us are together at home now. God bless the efforts of those who are trying to revive what is sometimes lost. God will bless Romania, and the candle will light up our minds so that we can all pray together for the salvation of the Romanian people.” The priests said a memorial prayer in honor of the Romanian soldiers who had died for the liberation of Bessarabia, fighters against Commu-

nism and the victims of Stalinist repression who had died in Siberia or fled from the Soviet Union.

Romanian unionism has effectively been authorized in the Republic of Moldova since October. The National Liberal Party won the case on amending its constitution in the Supreme Court of Justice. According to the court decision, aspirations for the elimination of Moldovan statehood and independence do not contradict the law. The verdict is final.

The capital's municipal councillors representing the Socialist Party and the Liberal Party awarded the title of honorary resident of Chisinau to the ex-Chairman of the Moldovan Writers' Union Mihai Cimpoi. Mihai Cimpoi, a unionist ideologist, received a tricolor shoulder belt and an honorary resident certificate in front of the memorial to victims of the Soviet occupation installed across from Government House.

All of this significantly increased the influence of the nationalist parties in 2012.

- The influence of Neo-Nazis and extreme nationalists on the local legislative/executive authorities.

There are virtually no local representatives of the radical nationalist and Neo-Nazi parties. However, there are city mayors and local councillors who are sympathetic to their views.

On March 25, The Mayor of Chisinau, Dorin Chirtoacă, who is also Vice-Chairman of the Liberal Party, supported the unionists' march and even congratulated City Hall staff on the upcoming unification with Romania.³⁸ "I hope our lives and the lives of the Romanians will be reintegrated. We should keep moving in this direction. No patriot will ever stand in our way," he pronounced.

Meanwhile, on the same day, supporters and opponents of unification with Romania had a scuffle in Chisinau. The unionists did not try to conceal their radical nationalist views in the media interviews that followed.

Thus, in an interview with Grenada web portal, the participants were saying straight out that the Moldovan state must be eliminated, that Moldova was a Romanian province and that the Russian-speaking population must be destroyed. They also sincerely believed that the Romanian dictator of the Second World War, Marshal Antonescu, and Corneliu Zelea Codreanu, the spiritual leader of the Romanian legionnaires and the promoter of the nationalist organization Legion of the Archangel Michael (Legiunea Arhanghelul Mihail), also known as the Iron Guard (Garda de Fier), were national heroes. According to the march participants, the policy of physical extermination of the Jews, Roma and Slavs was justified.³⁹

At an operational meeting of Chisinau municipal services on May 7, the head of General Mayor's Office Lilian Carp said that the Mayor's

Office of Chisinau treated the date May 16 as a day of mourning, and so all flags in the city will be flown at half-mast on this day.

On May 13, 2013, the Mayor of Chisinau supported another march of the unionists in honor of the 200th anniversary of the so-called “Russian occupation of Bessarabia.” A little later, he declared a day of mourning in the capital of Moldova on the 16th of May, the day when the Treaty of Bucharest was signed between Russia and the Ottoman Empire.⁴⁰

In August 2012, with the support of city councillors and the Mayor of Orhei, Vitalie Colun, unionists set up a Maramureş Cross, one of the symbols of the Romanian fascist organization of the 1920s and 1930s, in the city. The illegal monument was legalized by local authorities in December.⁴¹

- The influence of Neo-Nazis and extreme nationalists on the ruling party and the national legislative and executive authorities.

The Liberal Party may be regarded as a nationalist force in the Moldovan Parliament. In fact, the pro-Romanian sympathy of this party and other members of the ruling coalition has inspired extra-parliamentary ultra-radicals to provocative statements and actions. At the same time, the authorities’ attitude was never consistent, as the events of 2012 demonstrated.

In March 2012, the Ministry of Internal Affairs, using the police forces, almost broke up celebrations devoted to the liberation of the city of Soroca from the German and Romanian occupiers in 1944. Fifteen police officers arrived at the scene and, using a fire ladder, removed the banner congratulating the Red Army veterans that had been put up by the Mayor’s Office in the city’s central square. As the Mayor of the city, Elena Bodnarenco, reported, she “was threatened with criminal charges and the banner was taken away as evidence. All of this was going on in front of elderly people, who were veterans of the Great Patriotic War, and children.”⁴²

A few days later, the police in Soroca treated an anti-fascist exhibition as fascist propaganda. On March 30, an exhibition entitled The Unknown Holocaust, dedicated to the Holocaust of Roma during the Second World War and organized by the Government of Sweden, opened in Soroca. On the opening day, the Ambassadors of Sweden and Romania in Chisinau and the UN representative in the Republic of Moldova were visiting the event. As Mayor Elena Bodnarenco reported on her Facebook page, “among the visitors of the exhibition were students of the Russian Lyceum accompanied by the school psychologist, including Roma children holding anti-fascist posters with crossed-out swastikas and the words “Fascism will not pass.” Bodnarenco later reported that back at the lyceum, “the psychologist and the principal

were questioned by the police “in connection with the students’ participation in a rally intended to promote fascism.”⁴³

On May 3, at a meeting of the President of Moldova Nicolae Timofti with the Romanian President Traian Băsescu, a topic specifically discussed was the unification of the Moldavian Democratic Republic with the Kingdom of Romania and the 200th anniversary of Bessarabia’s annexation by the Russian Empire. “We also discussed bilateral issues, and, of course, we could not ignore two important dates in early 2012: 94 years ago, on March 27, Bessarabia was proclaimed part of Romania, and 200 years ago, on May 16, Bessarabia was annexed by the Russian Empire,” Băsescu said. He noted that on the occasion of the official visit of President Timofti to Bucharest (București), Romania gave the wooden church of Maramureș and a million books in Romanian to the Republic of Moldova. Băsescu also stressed that the number of scholarships granted to Moldovan students studying in Moldova might eventually increase. The Moldovan president agreed that the Republic of Moldova was inhabited mainly by Romanians. President Băsescu made the following statement after the meeting. “We had discussions on the issue of the embarrassment created in some international relations in connection with Moldovan minorities, and we’ve agreed that we are two independent and sovereign states, whose inhabitants are mostly Romanians. We have a common history, a common language, common traditions, common joy and misery that the Romanians had to go through during the last century,” Băsescu said.

It should be noted that according to the last census of 2004, the population of Moldova is divided as follows: 75.8% Moldovans, 8.4% Ukrainians, 5.9% Russians, 4.4% Gagauzes and 2.2% Romanians and other nationalities. Moreover, 78.4% of the Moldovans named Moldovan as their native language.

On May 7, the Minister of Defence of the Republic of Moldova (a protégé of the Liberal Party), Vitalie Marinuța, prohibited national army units from taking part in the parade on Victory Day. This was declared by the Dacia motorized brigade (Cahul military district), which had already consented to participate in the festivities on May 9 and had even been included in the cultural program of the Mayor’s Office of Cahul before the order of the Minister of Defence was received.

The leader of the Liberal Party of Moldova, Mr. Ghimpu, reiterated that May 9 should not be considered a holiday. He said that a holiday should have been celebrated “if the Soviet army had gone home after the war and left us to shape our own destiny.” According to the leader of the Alliance for European Integration, Victory Day should be celebrated on May 12, “when it is celebrated all over Europe,” and not on May 9, when the victory over Nazi Germany was declared. “This holiday belongs not only to the former Soviet Union and to Russia as its

successor, but to all who fought Hitler's Nazism to eradicate it from the face of the earth. Even worse, while one snake was defeated, the second one has survived," Ghimpu said.

On May 14, the Prime Minister of Moldova, Vladimir Filat, visited Yad Vashem in Jerusalem, where part of the exhibition was devoted to over 300,000 of Jews killed during the Second World War in the present-day territory of Moldova by the military under command of the Romanian Marshal Ion Antonescu. At the same time, we know that in May 2010, Filat took part in a demonstration held by an organization that promotes the ideas of a neo-fascist legionary movement. He took part in the consecration of the Honorary Cemetery of the Romanian Heroes in Călărași, as well as in the consecration of St. Michael the Archangel's Chapel whose church warden is the Noua Dreapta Association.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities)	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities	-5
×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations	-5
×	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies	-5
×	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies	-5
	Total for section 8	-25

9. Public actions of extremists and radical nationalists

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

Despite the fact that a number of parties and social organizations, first of all, the National Liberal Party, demand that the Moldovan state

be eliminated and united with Romania, the Ministry of Justice of Moldova does not consider this a sufficient reason for the termination of these structures.⁴⁴ Since public events in Moldova require advance notification, the only reason for banning any marches is a threat to human safety. No such bans were recorded in 2012.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

Despite the protests of Bălți's local authorities, a unionist march permitted by the court was held in the city on March 3. It was attended by about a hundred young people. Most of them were the fans of the Dacia football club from Chisinau. During the rally, the participants carried Romanian flags and banners of the legionary movement. No Moldovan flags were observed. Young people shouted the slogans "Moldova is Romania" and "Long live Greater Romania." The organizers, including the head of the National Christian Movement Sergiu Lașcu, were carrying a huge banner of the Romanian organization New Right reading "For the Unification of Bessarabia and Romania" and a map of Greater Romania comprising Moldova and part of present-day Ukraine.

On March 25, legionnaires held a march in the center of the capital to celebrate Unification Day. The Mayor of Chisinau, Dorin Chirtoacă, congratulated his colleagues from the Mayor's Office on this date.

On May 7, 8 and 9, unionist organizations held holiday demonstrations praising the Romanian tricolor in the center of Chisinau. On the evening of May 7, a car march started from the central square of Chisinau. On May 8, cyclists carrying Romanian flags rode from Victory Square to the gates of the city and back. Then on May 9, a trade fair of Romanian ribbons, T-shirts and flags was organized in the park at Eugeniu Ionescu Theater. On May 7, a giant Romanian tricolor was flown at the front of the building of Gheorghe Asachi Romanian-French Lyceum. The action was timed to coincide with the celebration of National Flag Day and the "day of mourning" to be held on May 16 on the occasion of the 200th anniversary of Bessarabia's annexation by the Russian Empire.

On May 9, the New Right (Noua Dreapta) paid tribute to the Romanian army soldiers who had fallen in World War II. Its members were wearing uniforms of the Romanian legionnaires, and the event was held under the flags of the legionnaires headed by Corneliu Zelea Codreanu.

On May 13, a unionists' march dedicated to the 200th anniversary of Bessarabia's occupation by Russia took place in Chisinau. The march organizer, Acțiunea 2012, brought members of nationalist groups, including those of Noua Dreapta, from Romania. The legionnaires taking part in the march were raising their arms in a Nazi salute. The Moldovan authorities did not prevent the march. By the decision of

Dorin Chirtoacă, May 16 was declared a “day of mourning” and flags in Chisinau were flown at half-mast.

On June 28, the National Christian Movement (Mișcarea National-Creștină) installed a symbolic wooden Trinity (Troița Maramureșeană) in Orhei District (raionul Orhei) on the occasion of the anniversary of “Bessarabia’s annexation by the Soviet Union.” This symbol was the basis of the legionary symbolism of the radical League of the Archangel Michael operating in the Kingdom of Romania from 1930 to 1942. The Legionary Cross was installed with the help of the Romanian Embassy, activists of the National Christian Movement and the Liberal Democrats and consecrated by Petru, Metropolitan of Bessarabia and Exarch of the Land. On the opening day, the leader of the National Christian Movement, Sergiu Lașcu, diplomatic counsellor of the Embassy of Romania Ion Dumitru and Affairs Advisor of the Department for Relations with Romanians Living Abroad of the Ministry of Foreign Affairs of Romania Stefan Hermann, as well as the Vice-Mayor of Orhei, elected by the party-list system and representing the Liberal Democratic Party, arrived to honor the memory of the “victims of the Communist regime.”

On June 28, Chisinau hosted another march of unionists. They marched to the Russian Embassy on the occasion of another anniversary of the liberation of present-day Moldova from Romanian troops and administration in 1940 and demanded that the “Russian fascists” leave the country. The shouted slogan was accompanied by a Nazi salute Sieg Heil. “We’ve come to say “no” to Russification, federalization and occupation. We are young and full of energy and it’s time for Russia stop interfering with the internal affairs of the Romanian brothers. The unification [of Moldova and Romania] is power, and the time to unite has come,” one of the female activists said. Participants of the rally chanted slogans like “Russian Nazis, get out of the country” and “You’ve been the invaders and you’ll be the invaders until you die.” After the picket at the embassy, the rally moved to the monument of Master Stephen the Great, where all the participants knelt in memory of the loss of Bessarabia by Romania. Members of the Noua Dreaptă also took part in the march. The police did not stop the legionnaires’ action, despite the ban on extremist organizations adopted in Moldova.

On August 5, unionists held another march in Bălți. Hundreds of police officers were mobilized in Bălți to deter the protesters. The event turned into a clash between the police and activists of left-wing parties opposed to the unionists. The Minister of Justice, Oleg Efrim, said that the parties organizing the protests that led to clashes might be outlawed. “We’ll issue a warning to the political forces, or if there are reasons to do so, we’ll initiate a procedure to disband the party,” the Minister said.

In turn, the Mayor of Chisinau, Dorin Chirtoacă, expressed concern that such incidents could occur in the capital again. “There are instiga-

tors in the ranks of political parties who incite ethnic hatred, violence and conflict. I've ordered the competent authorities to assess the situation, so that we know the danger that similar events scheduled in Chisinau in mid-September might imply," Chirtoacă said. Prime Minister Filat expressed confidence that the protests in Bălți involved instigators. "We are facing acts of provocation aimed at something very different from the national interests of the Republic of Moldova. I believe that yesterday's protests involved instigators. The organizers are directly responsible and will be punished according to the law."

The Russian Youth League published a statement on the Bălți events on August 6. The League expressed its satisfaction with the fact that "on August 5, 2012, patriotic forces of the country represented by the Patriots of Moldova Party, the United Gagauzia Movement, Communists, Socialists and other social and political organizations suppressed the unionist march of foreigners and enemies of Moldovan statehood." At the same time, the League condemned the incidents of aggression and violence that occurred on both sides. According to the League, the ones to be blamed for this, first and foremost, are the march organizers and the government that turns a blind eye to their anti-constitutional activities.

According to the Speaker of the Parliament, Marian Lupu, both Bucharest (București) and Chisinau (Chișinău) fear the unionist marches that have taken place in Moldova. "Do you have any idea how much trouble these unionist marches bring to us? And not only to us. The Bucharest authorities admit that they are afraid of these marches, too. They put obstacles in the way of the bilateral cooperation," Lupu said in September. He noted that some of the march participants acted like Nazis. "Most of those who gathered in front of the Academy of Sciences were strong guys in black T-shirts with certain symbols. And it became clear that the majority of the crowd of 2,000 people were quite a diverse group, as was the case on April 7. When they were shouting and gesticulating, I saw the prototypes of Nazis and Fascists," Lupu said. Prime Minister Filat urged citizens not to take part in the unionist march on September 16.

Despite these statements from the central government, marches with anti-state slogans and legionary symbols were still held in different cities of Moldova with the permission of the local authorities. Thus, Romanian legionnaires held a unionist march in Chisinau on December 1, the day when the Act of Union of Transylvania and Romania was signed in 1918 (in Romania, this day is celebrated as National Unity Day). The march was organized by the National Christian Movement. It was attended by no more than a hundred and fifty people who marched from the Pedagogical University to the monument of Stefan the Great. The activists dressed in legionnaire-style uniforms were carrying the flags of Noua Dreapta, symbols of the fascist Iron Guard and portraits of the le-

gionnaires' leader Corneliu Zelea Codreanu. As they passed by the Russian Embassy, the unionists shouted loudly, "Bloody Russian army, get out of Moldova" and "We are the Romanians, we are the masters here." The slogans "The New Right is the pride of Romania" and "Remember the three words: the Guard is always ahead" could also be heard.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

A number of nationalist events were attended by representatives of both legislative and executive authorities of the country.

For example, on August 5, unionists held another march in Bălți demanding the unification of Moldova and Romania. On the same day, the OMEGA agency posted a video showing Deputy Minister of Internal Affairs Ciobanu in a column of demonstrators advocating the overthrow of the Moldovan state. The action resulted in heated confrontations, and the Minister of the Interior had to supervise as the anti-statists boarded the buses.

August 24 is traditionally celebrated as the anniversary of Moldova's liberation from fascism. This year, as in all of the past few years, none of the parties in power and none of the country's leaders showed any interest in this date. The only parliamentary party that organized festivities on the occasion, together with the Council of Veterans, was the Communist Party.

- "Football xenophobia" and racism of sports fans.

Monitoring did not record any instances of xenophobia or racism on the part of sports fans in Moldova in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities	0
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities	–5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies	–5

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Presence of “football xenophobia” and racism amongst sports fans	0
	Total for section 9	–10

10. Racist attacks, violence and terror

Indicators

- Cemetery vandalism; attacks on religious buildings.

In June 2012, the tomb of the once famous Rabbi Yisrael Joffe, grandson of the founder of the Hasidic religious movement Chabad, was desecrated in Bălți. Vandals ripped out the lock on the gate and lit a fire in the holy place. They unscrewed the bolts on the memorial stone and broke the plaster on the outer wall.⁴⁵

On November 1, leaders of the Jewish communities in a number of cities of Transdnistria sent a complaint to the President of Transnistria, Evghenii Șevciuc, reporting acts of vandalism, desecration of a monument to Holocaust victims and nationalist attitudes. In response, Șevciuc instructed the State Security Committee to consider the complaint and take the necessary measures in response. “The President of Transdnistria firmly upholds the position incitement to interethnic and religious hatred and desecration of monuments is inadmissible. He protects the constitutional rights and freedoms of citizens and believes that religious freedom and tolerance are of fundamental importance. The President believes that international harmony and interfaith respect are the basis for the preservation of peace and stability in a country where representatives of different ethnic groups and religions live next to each other,” a statement of Mr. Șevciuc’s media office said.

However, no acts of cemetery vandalism were recorded in 2012 in the territory controlled by the Moldovan authorities.

- Interethnic clashes caused by xenophobia and radical nationalism.

Monitoring did not record any instances of interethnic violence in 2012.

- Incidents of violence, including murder, on racial, ethnic and religious grounds.

On August 5, clashes between nationalists and left-wing activists occurred in Bălți during a unionist march. A journalist of Jurnal TV, Victoria Ocara, was injured as a result of the conflict. She was hurt by a stone thrown during the clash and was hospitalized with a head injury.

On November 2, a cameraman of STS TV channel was beaten in Chisinau for speaking Russian.⁴⁶ The incident occurred during the day in the center of the Moldovan capital, next to the Academy of Economic Studies of Moldova (ASEM). During the interview, when reporters were questioning their guest, a nationalist who was passing by attacked the cameraman, claiming that the journalists were speaking Russian. The police arrived at the scene in time, and charges were laid. The cameraman's injuries were moderate.

- Terrorist attacks due to radical nationalism and religious fanaticism.

Monitoring did not record any such attacks in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Vandalism in cemeteries, attacks on religious buildings	-5
-	Inter-ethnic clashes instigated by xenophobia and radical nationalism	0
×	Cases of violence, including murder on racial, ethnic and religious grounds	-5
-	Cases of hate crimes	0
-	Terrorist attacks on the basis of radical nationalism and religious fanaticism	0
	Total for section 10	-10

11. The existence and popularity of and mass involvement in anti-fascist and anti-racist movements

Indicators

- Anti-racist and anti-Nazi movements and parties.

An increase in the activities of anti-fascist forces was observed in 2012, although so far the anti-fascist organizations and movements are fragmented and often do not want to act together. The main anti-fascist

force in Moldova is the Communist Party of the Republic of Moldova. The Veterans Council of the Republic of Moldova, the Moldovan branch of the international movement World Without Nazism, the Communist Youth League of Moldova, the Russian Youth League, the Pro-Moldova Association of Historians and Political Scientists, Young Moldova, Themis and August can also be considered anti-fascist movements.

- The activities of anti-racist and anti-fascist movements and parties (pickets, rallies, demonstrations, public actions, etc.)

The actions of anti-fascists in Moldova are mostly associated with opposition to the falsification of history and distortion of the memories about the Soviet past, with protecting war memorials to the liberators, and with protests against unionist marches. In particular, this concerns the deliberate cover-up of the Holocaust and Nazi crimes by the authorities.

On January 27, the premiere of the film *Persecution in Bessarabia* (Prigoana din Basarabia) about the genocide of Roma in Moldova was shown on the public TV channel Moldova 1. Natalia Ghilașcu, one of the film's co-producers noted in her article *Moldova-Style Racism* that some people "still don't want to acknowledge this dark page in history out of fear of besmirching the perfect image of the hero who was striving to liberate Bessarabia from the Soviet occupation. But the past cannot be changed, and the truth will be disclosed anyway. The fact that more than twenty ghettos and prisoner of war camps had been constructed was revealed only last year thanks to the Europeans. Obviously, they know the historical events of our country much better than we do... In fact, you wouldn't learn anything of this from school textbooks..."⁴⁷

Another example of the fight against falsification of history is the play *Clear History* about the Holocaust in Moldova by director Nicoletta Esinencu. The performance has already become a sensation in Chisinau.

On February 27, the second edition of the monograph *The Bessarabian Front. 1918–1940*, by the prominent Moldovan historian Petr Șornikov was launched in Chisinau at the initiative of *Moldova Without Nazism*. The book is a set of essays on the history of Bessarabia during the Romanian occupation. It deals with the issues of political and national and cultural resistance of the local population to the policy of the Romanian state, and the history of the Church of Bessarabia, among others.

On March 3, Communist Party supporters held a rally in the central square of Bălți against the joint meeting of the governments of Moldova and Romania that took place on the same day in the Romanian city of Iasi. In his speech at the rally, the MP representing the Communist Party, Vladimir Vitiuc, said that the joint meeting of the two governments was an "unprecedented case in the history of international relations" and "a step toward the denationalization of Moldova." Deacon Andrei, who had come to the rally, as he said, "with the blessing of

Archbishop Markel, Bishop of Bălți and Făleşti,” said, “for all the patriotic forces of our independent state, including the Orthodox Church of Moldova, March 3 is a Day of Mourning,” since in March 1918, “Moldova was attacked by the Romanian army... Over the years of the Romanian occupation, the Moldovan people experienced all kinds of abuse and humiliation from the invaders who were Romanianizing our people with sticks and bullets. And now history is repeating itself. Can it be true that those empowered by the people are now ready to let a ferocious enemy into our territory, despite the lessons of history?”⁴⁸

After the meeting, the participants noticed a column of unionists marching to the central square and formed a line across the square, blocking the path of the Romanian unionists. Police officers stood in two rows between the groups to prevent a clash. Thus, the unionist march was stopped and its members were forced to shout their slogans from behind a police cordon. After a while, the ultra-right wingers turned back without reaching the central square. The unionist march had been permitted despite the protests of the Mayor of Bălți. Then the same thing happened in Chisinau, where, in spite of the Communists’ request, the unionists were permitted to march on March 25. As a result, there were clashes in the heart of the capital. Several hundred government supporters, representatives of various political parties and social organizations stood in the way of a column of legionnaires, blocking the square of the Grand National Assembly. However, the police pushed the anti-unionists away, and the participants marched along the main street.

On March 27, the photo exhibition *Fascism in Europe: Past and Present*, organized by the human rights organization *Moldova Without Nazism*, opened in Chisinau. Its aim was to remind the younger generation about Nazi crimes and to show that the revival of Nazism, in any of its forms and manifestations, is unacceptable. The exhibition included photos of the 1930s and the Second World War period that revealed the essence of the anti-human ideology of fascism calling for the physical extermination of the unwanted. Another part of the exhibition told about the attempts to rewrite history, rehabilitate Nazism and turn Nazi criminals and their accomplices into heroes. The vast geography of works included Lithuania, Latvia, Estonia, Romania, Ukraine, the Czech Republic, Hungary, Austria, Germany, Poland and Moldova. The organizers designed the exhibition as a travelling show that will “travel” to other schools and institutions of Moldova.⁴⁹

Along with the opening of the photo exhibition, the organizers held a round-table discussion on “Combating the Introduction of Historical Revisionism and Unionism in Moldova: in Legislation, the Social Sphere, Law, Local Administration, Information and Education.” Scientists and public figures, historians, politicians and representatives of local authorities condemned the targeted support and the ruling al-

liance's policy of exterminating Moldovan statehood by falsifying history and spreading extreme right-wing nationalist slogans, first and foremost, through the educational system.

Various youth organizations held events in April to commemorate Victory Day. In early April, the Communist Youth League of Moldova launched a campaign to restore the graves of soldiers of the liberation. The Russian Youth League cleaned up more than 20 graves of Soviet soldiers as part of the Memory of Generations project on April 28. Members of the Young Guard began cleaning the graves of soldiers who had died at the front.

The non-governmental organizations Moldova Without Nazism, Youth of Gagauzia, Themis and the Communist Youth League of Moldova held a press conference on May 3. The topics were the traditional St. George Ribbon campaign that has recently gained special meaning and significance in Moldova, given the current efforts of the authorities to rank Moldova among the countries defeated in World War II, registration of unionist organizations, unpunished acts of vandalism against monuments to the fighters against fascism, as well as silence on the Holocaust and other crimes of fascism in Moldovan history books.

On June 22, ceremonies in memory of the victims of the Great Patriotic War that began on this day in 1941 took place in Moldova. The parliamentary faction of the Communist Party, members of the Veterans Council, the Officers Union and the Communist Youth League laid flowers at the Eternal Flame at the Eternitatea (Eternity) Memorial in Chisinau. Representatives of the non-parliamentary Social Democratic Party and Popular Socialist Party of Moldova went to Leușeni, Hîncești District, where an event was held at the monument to the heroes who had fallen in the Second World War. The Moldovan capital hosted a car rally in memory of the Soviet soldiers organized by the Patriots of Moldova Party. A festive march, a car rally and a flower-laying ceremony at the Memorial of Military Glory were held in Bălți.

Along with that, on June 22, the local authorities organized a solemn reburial of six Red Army soldiers who had died in 1944 during the liberation of Moldova in the Moldovan village Coșnița.

The main outcome of June was the unification of anti-fascist forces in Moldova for the sake of achieving specific goals. On June 27, Chisinau hosted a round table on Fascism as a Reality of the Modern World. It was organized by the Assembly of the Peoples of Moldova, Moldova Without Nazism and the Community Foundation. Representatives of pro-government youth and political organizations ignored the invitation to take part in the round table. The round table participants recalled the Romanian fascism of Marshal Antonescu's times and talked about the dangers of the appearance of the new fascism with the assistance of the current government.⁵⁰

In July, pillars in the Chisinau suburb of Vadu lui Voda were covered with inscriptions in Cyrillic: "I am a Moldavian, I speak Moldovan." Residents of Vadu lui Voda have no idea who wrote them.

Residents of Cahul, Comrat, Bălți and Nemțeni announced that they intended to defend the monument in honor of the fallen in the Great Patriotic War. This was the response of the local authorities to the initiative of Prime Minister Filat "to get rid of all Lenins and tanks" in July.

On August 24, the day of liberation of Moldova from the Romanian and Nazi invaders, Communist Party activists and their supporters took part in a commemorative event organized by the Veterans Council of the Republic of Moldova. Flower-laying ceremonies at the Eternity memorial in Chisinau and the Serpeni Bridgehead memorial complex were attended by Party Chairman Vladimir Voronin and representatives of the Communist Youth League, the Young Moldova Movement, the Russian Youth League, Moldova Without Nazism and other non-governmental organizations. During the meeting, the participants appealed to the authorities of the Republic of Moldova to end the policy of forgetting the heroes of the Great Patriotic War, as well as the xenophobic policy and vandalism against Soviet monuments to military glory.

On October 1, a restored monument to military glory was opened in the village of Gura Bîcului in Anenii Noi District. The monument to Soviet soldiers desecrated a few months ago by unknown vandals has been completely restored, thanks to the efforts of local authorities and economic agents, with the support of NGOs August and Russian Historical Patriotic Club.

On November 15, there was a scandal around geography teacher Victor Cravenco of vocational school No. 5 in Bălți. It was about a video posted on the Internet, in which he threatened to "kick all the Russians out" of the country and exile Russian-speaking students, whom he referred to as "invaders," from the city. After the scandal, the school management chose to dismiss Cravenco "on his own volition." During the plenary session on November 16, Speaker of Parliament and Chairman of the Democratic Party of Moldova Marian Lupu turned off the microphone of Communist MP Inna Șupac when she demanded that the law enforcement agencies take measures against the xenophobic statements and incitement to ethnic hatred made by the Bălți school teacher. On November 16, the Ministry of Education issued a public apology for Cravenco's statements and reported on the official investigation into vocational school No. 5. "The teacher's behavior is alarming, because it is an act of discrimination... The severity of this act is aggravated by the fact that it took place during the educational process, which is unacceptable and incompatible with national and international standards of the educational system, which must be tolerant,

transparent and comprehensive,” a statement posted on the Ministry’s website said.

On November 22, Deputy Chairman of the Communist Party faction in the City Council of Bălți Alexander Poniatowski announced that the Bălți City Committee of the Communist Party would set up a hot line for complaints about teachers’ xenophobic statements.⁵¹

Meanwhile, in early December, Cravenco became the official canvasser for the Romanian candidate from the Social Liberal Union, Victor Alexeev. In his personal blog, Alexeev wrote that Cravenco was “known for his response to the Romaniaphobic acts of provocation in the northern capital of Bessarabia.”

- Anti-Nazi and anti-racist initiatives.

The participants of the round table *Fascism in Europe: Past and Present*, organized in March 2012 by the human rights organization *Moldova Without Nazism*, spoke out against the whitewashing of Marshal Antonescu in history books.

On July 25, the National Committee for the Protection of Monuments of the Great Patriotic War was established by the Veterans Council of the Republic of Moldova. At its first meeting, the Committee appealed to the heads of post-Soviet states to intervene in the political situation in Moldova in order to protect the monuments of the war and the Soviet past.

On July 23, the Executive Committee of Gagauzia decided to draft a law on prosecuting those who called for the elimination of the statehood of the Republic of Moldova. “These issues need to be addressed not in the streets, but in the Parliament of Moldova. Passage of our initiative will be a test of the Moldovan Parliament’s commitment to Moldova’s statehood,” said the head of the supreme executive body of the autonomous region, Mihail Formuzal.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-racist and anti-Nazi movements and parties	5
×	Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations)	5
×	Presence of anti-racist and anti-fascist civic initiatives	5
	Total for section 11	15

12. Glorification of German National Socialism and collaborators of Nazi Germany

Indicators

- Glorification of German National Socialism and/or its collaborators in mass media; desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

Monitoring has revealed several acts of vandalism against monuments.

On January 6, the Romanian website infoprut.ro posted photos of another act of vandalism. This time, vandals desecrated a war memorial in Leușeni where the Iasi-Chisinau operation had been completed, resulting in Moldava's liberation from Romanian and German fascist troops. The monument was covered with painted inscriptions: "Bessarabia is Romania," "Russia is rubbish," "Better dead than a Communist." A crossed-out Communist hammer and sickle was painted next to these graffiti.

On the night of January 22 to 23, in the city of Călărași, a monument erected in memory of the soldiers who had died in the fight to liberate the city from the Romanian and German occupiers was desecrated. As reported by journalists of the news web portal Grenada, the monument was doused with blue paint at night, when the center of Călărași was empty. The police found neither the perpetrators, nor suspects. The authorities did not respond to the act of vandalism.

On the night of June 22 to 23, a monument to the fallen Red Army soldiers and the Military Glory Memorial were desecrated in the city of Bălți. The symbols of the fascist Iron Guard and the New Right, as well as the Nazi swastika, were painted in black on the pedestal of the monument designed as a tank.⁵²

A few incidents of vandalism occurred in Comrat in August. Unknown persons desecrated a monument in honor of the city's liberation from the Romanian and German occupiers in 1944.⁵³

As mentioned above, in September 2012, a case of desecration of the monument to the Holocaust victims was recorded in Transnistria, which is not actually controlled by the central authorities of Chisinau.

According to Inna Șupac, a member of the Parliament of Moldova and the leader of Moldova Without Nazism, the monuments are being vandalized by one of the movements of historical revisionism in Moldova. She claims that "as long as the country is governed by those who follow the logic of pan-Romanianism and rewriting history, the campaign against monuments will not stop." The German radio Deutsche Welle also notes that "in Moldova, Soviet-era monuments have become a favorite target of vandals," and that "the authorities pay little attention to this problem."

In March, the attention of the Moldovan public was focused on the northern city of Soroca. The local police removed a banner by the Mayor's Office in the city's central square placed on March 18 to commemorate the anniversary of the liberation from the German and Romanian occupation.

On June 22, radio Vocea Basarabiei (the Voice of Bessarabia) celebrated June 22, 1941* on "This Day in History" as "the day of liberation of Bessarabia and Northern Bukovina by the Romanian army from the Soviet occupation." The former manager of the Voice of Bessarabia, Valeriu Saharneanu, is now an MP representing the Liberal Party.

- Glorification of German National Socialism and/or its collaborators with the support of local authorities; demolition of monuments to the soldiers of the anti-Hitler coalition; erection of monuments to the soldiers of Hitler's army and Nazi punitive expeditions.

On July 17, the newspaper Timpul supported the demolition of the Eternitate (Eternity) memorial complex raised in memory of the victims of the Great Patriotic War. The newspaper called it "a revanchist monument," and proposed to "replace the rifles with the cross of reconciliation," which would be "the best solution for eliminating the resentment of both sides." Timpul, along with many other mass media in Moldova, officially receives funding from the Government of Romania.⁵⁴

According to the Chairman of the Standing Parliamentary Committee for Legal Affairs, Victor Popa, the Liberals support demolition of the Soviet memorials of glory and are proposing to remove all monuments of the Soviet period to a museum of Communism.

At the same time, Prime Minister Vlad Filat said in an interview with ITAR—TASS that he would not presume to "mock the sacred memory of the soldiers who defeated fascism." Commenting on the intention of the parties within the Alliance for European Integration to eliminate Soviet military memorials, he said that he honored the memory of those killed in the war against fascism, "I've instructed the Minister of the Interior to take this issue under special control in order to prevent acts of vandalism, investigate the cases that have occurred and severely punish those responsible." However, this statement contradicts the actions of the Liberal Democratic Party that he heads. Its members have proposed to amend the Law on the Protection of Monuments with a new article reading "No monuments or memorial ensembles that are the vestiges of totalitarian Communist (Bolshevik), Stalinist or Nazi regimes, or military equipment or models thereof exhibited in public places in order to promote militaristic totalitarian ideologies may be granted the status of a monument or be included in the register of mon-

* The day when Hitler's Germany attacked the Soviet Union — *editor's note.*

uments.” The Liberal Democratic Party of Moldova proposes “to establish a museum of totalitarian regimes under the jurisdiction of the Ministry of Culture in order to prevent damage to the objects referred to in Article 1, Paragraph (1¹).”

The participants in the unionist march held in Chisinau on March 25 did not hesitate to openly express their xenophobic and anti-Semitic views. In an interview with web portal Grenada, they stated that the policy of physical extermination of the Jews, Roma and Slavs conducted at the time was justified. The day before the unionist march, a photo showing the flags of Romania and the Romanian legionary organizations flown on the building of the Mayor’s Office in Ungheni was posted on Facebook.

Gică Manole, a Romanian Liberal Democrat and one of the leaders of the local party branch in Botoșani, set up a bust of Ion Antonescu in the Moldovan village of Tătărașeni. At the opening ceremony, the professor of history said, “because of the past two centuries when we’ve been deprived of Bessarabia, I feel the need to erect a monument to those who liberated Bessarabia and Northern Bukovina.” The historian is known for denying the racist crimes of the Marshal’s regime and believing that during both world wars Romania was not someone else’s ally, but only defended its own interests. “In the twentieth century, two million Romanians sacrificed themselves so that we could turn a small Romania into a great and holy Romania, spreading from the Dniester to the Tisza,” he emphasized.

On Romanian Armed Forces Day on October 25, a group of priests from the Metropolitan Church of Bessarabia held a worship service at the cemetery of the Romanian soldiers from the villages Tiganca, Cantemir and Cania. The event was attended by the Ambassador of Romania to Moldova Marius Lazurca, Colonel Danicu Tanase, military attaches and representatives of the Consulate General of Romania in Cahul.

- Glorification of German National Socialism and/or its collaborators in the decisions of the central government.

On the recommendation of the Ministry of Education, the history textbooks used in schools since 2009 evaluate historical events from the perspective of Moldova as part of the Romanian state. Based on this logic, the textbooks whitewash the Romanian fascist Antonescu, but there is no mention of more than half a million victims of Romanian troops in the occupied territories of Bessarabia, Northern Bukovina and Transnistria.

On the eve of Victory Day on May 9, the Moldovan Minister of Defense Vitalie Marinuța rendered military honors to the Romanian soldiers who had died fighting against the aggression of the Romanian and German armies in 1941. Together with his Romanian counterpart

Gabriel Oprea, he laid flowers in the military cemetery in the town of Călărași. After that, the Romanian newspaper *Adevărul* published an article saying that from 1944 to 1945, when the Red Army was liberating Moldova, the country was overwhelmed by terror and crime. The Soviet officers allegedly shot Bessarabian peasants for a bucket of wine, stole cattle and grain, and raped all women.

- Revisionism; denial of the Holocaust.

On August 25, Grenada web portal posted a report on public denial of the Holocaust in Moldova. In a live television broadcast of a private channel, historian Veaceslav Staviță said that the Romanian fascist dictator Ion Antonescu was not guilty of the deaths of hundreds of thousands of the Moldovan civilians during the Romanian and Nazi occupation of 1941 to 1944. “There is not a single drop of Jewish blood on Antonescu’s hands. The Romanians never killed the Jews,” Staviță said. He only acknowledges murder of 20,000 Jews by German soldiers and refers to the figure of 300,000 dead Jews as “invented by Communist propaganda.” Staviță is Doctor of Historical Sciences, a member of the Committee for the Condemnation of Communism and the author of textbooks on Romanian history. He is also a TV host of a history quiz for school children on the public TV channel Moldova 1.

On October 21, the leader of the National Liberal Party, Vitalia Pavlicenco, named the Russians and Ukrainians as the ones guilty of the Holocaust in Transnistria. According to her, “if the Jews ever suffered in this region (Transnistria), it’s through no fault of the Romanians.” She referred to the Romanian historian Ion Coja, who writes that the Romanian dictator Ion Antonescu established concentration camps and ghettos for the Jews in Transnistria to protect them from the Ukrainians and Russians: “The villages in Transnistria where the deported Jews lived were protected, not to prevent the Jews from running away, but in order to protect them from Ukrainians eager for violence.” The fact that the Ukrainians were allegedly “eager for violence” towards the Jews is explained by the fact that Stalin’s regime allegedly convinced the Ukrainian population that the Jews were to blame for the famine in the Ukraine, which the historian referred to as forced starvation.

Pavlicenco and Coja called the Israeli Yad Vashem institute doing research on the Holocaust “the temple of lies” and even challenged the number of the Jews killed by the Nazi regime. “The figure of 6 million Jews killed during the Holocaust is being challenged, and it is rightly challenged,” unionist Pavlicenco quoted Professor Coja as saying. Even the Romanian memorial to the Holocaust in Bucharest was criticized. It was erected in 2009 as a formal apology by the Romanian authorities to the Jews for the genocide of the Antonescu regime in Moldova and Ukraine in 1941 to 1944.

Dean of the Department of History and International Relations of the Free International University of Moldova Ludmila Coadă urged others not to raise the issue of the Holocaust above other disasters that have occurred in the country. “If we compare the Holocaust with some other problems or situations that the population of the Republic of Moldova has endured, they’ll be almost on the same level. That is, not to remove the problem of the Holocaust but to raise it to a high enough pedestal. It is true that many people were killed. But let’s not forget that the Romanians experienced genocide too, by deportations, organized famine, and so on,” she said.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition	-5
×	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers	-5
×	Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities	-5
×	Historical revisionism, Holocaust denial	-5
	Total for section 12	-20

13. Persecution of veterans and partisans of the anti-Hitler coalition and anti-fascists

Indicators

- Public calls for repression against veterans and partisans of the anti-Hitler coalition, and against anti-fascists.

Monitoring did not record any public calls for repression against veterans and partisans of the anti-Hitler coalition or anti-fascists in 2012.

- Restriction on the activities of human rights and anti-fascist organizations by the country’s government; bans on anti-fascists’ entry

to or exit from the country by the authorities; lack of response from the authorities.

No such cases were recorded by monitoring in 2012.

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

On July 28, Communist activist Sergiu Nelepenco was detained by the police in Bălți. According to Police Commissioner Vasiliu Ghanzia, he and representatives of the unionist movement were questioned concerning vandalism of Soviet monuments. According to the press secretary of the Bălți police station Elena Pavliuc, the detainee had 90 leaflets of “doubtful content” with him. The “doubtful” part was a call to join a protest march on August 5, the date when the Romanian unionists planned to march in Bălți, the largest city in the northern Moldova, and burn the symbols of Communism there.⁵⁵

The disorder that occurred in Bălți on August 5 during a march organized by the Civic Platform Actiunea 2012, was investigated. As a result, 16 criminal charges were laid and 154 people were fined a total of 100,000 lei. According to the prosecutor of Bălți, three criminal cases involving three individuals have been referred to the court. One of these is the Chairman of the Social Democratic Party of Moldova, Victor Şelin, who was charged with infringement of the right to freedom of assembly during the unionist march. Şelin was forbidden to leave the country without the permission of the prosecutor. Administrative cases were initiated against the leader of the Patriots of Moldova Party Mikhail Garbuz and the Chairman of the Russian Youth League Igor Tulyantsev. They were accused of involvement in the protest without notifying the Mayor’s Office of Bălți.

On November 15, it was reported that the First Secretary of the Communist Youth League of Moldova, Nicolai Cuharenco, was charged a fine for displaying the hammer and sickle. A meeting in his defence was held in Chisinau in front of the Ministry of the Interior on November 16. The protesters chanted “Know that I’m a Communist!”, “Down with the dictatorship!”, “Down with Recean!”, “Hammer and Sickle!”

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists	0

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Restrictions on human rights and anti-fascist organisations imposed by the authorities, bans to entry or exit imposed on anti-fascists by the authorities, inaction of the authorities	0
×	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists	–5
	Total for section 13	–5

14. International aspect

Indicators

- Participation of the monitored countries in international anti-racist and anti-discrimination agreements.

Moldova has joined most of the international anti-racist and anti-discrimination agreements.

The exception is the International Convention on the Protection of Rights of All Migrant Workers and Members of their Families.

- Accession to new international anti-Nazism, anti-discrimination and/or minority rights protection agreements or resolutions of the United Nations and other international organizations during the period of monitoring.

On November 26, 2012, representatives of Moldova abstained from supporting the draft resolution of the UN General Assembly against the glorification of Nazism.

In 2009, Moldova and Ukraine signed a bilateral agreement on cooperation in protecting of the rights of national minorities. This Agreement passed all due ratification procedures in Ukraine, including promulgation by the President in October 2010. In Moldova, the document is being blocked by the ruling majority in Parliament. According to a member of the Verkhovna Rada of Ukraine, Spyridon Kilinkarov, Moldova's delay in the ratifying the Moldovan-Ukrainian agreement on the protection of national minorities is indicative of the problems related to the rights and freedoms of citizens.

According to unofficial data, the reluctance of the Moldovan authorities to ratify the Agreement is due to the constructions

“Moldovans” and “Moldovan language” present in the text of the document.

- International declarations and initiatives of national governments and leading politicians of the monitored countries against discrimination, xenophobia and Neo-Nazism.

The Moldovan mass media widely reprint and discuss excerpts from the speech of Russian senator Boris Spiegel, President of the international association World Without Nazism, at the session of the Parliamentary Assembly of the Council of Europe. Spiegel expressed his frustration at the glorification of Nazi war criminals in a number of countries, including the Republic of Moldova, “Glorification of Nazism is gaining strength in Eastern European countries, such as Moldova, Ukraine, the Baltic States, Romania, Bulgaria, etc. Furthermore, this process is supported by the governments in the Republic of Moldova, Romania, the Baltic countries. This is despite the clear recommendation of the European Commission against Racism and Intolerance to prohibit any demonstrations involving Waffen-SS veterans. It’s no secret that the annual march of Waffen-SS veterans in Latvia and Estonia find support not only of individual politicians, including members of Parliament, but also among members of the government.”

On July 23, the Communist Party launched an appeal to the heads of the Commonwealth of Independent States and international organizations in connection with the decision made by Parliament on July 12 and the initiatives of the Alliance members of July 13 and 19. The Communist Party noted that “these decisions immediately led to a dramatic deterioration of the situation in the society, and intensified the tension and civil strife. It’s obvious to everyone that these decisions allow the creation of pseudo-legal prerequisites for the destruction of Moldova’s independence in favor of revival of the “Greater Romania” project first developed during the reign of the Nazi criminal Marshal Ion Antonescu. For the first time in Europe, the practice of the socialist period was condemned not from the general democratic and humanistic point of view but with revanchist, neo-fascist ambitions and ill-concealed targets. This kind of attitude to the recent history may result in large-scale domestic conflict.”⁵⁶

The Communists claim that “repressive decisions of the parliamentary majority to ban Communist symbols contradict both Moldovan legislation, especially the Constitution and international legal norms defining the principles of democratic governance, and the fundamental rights and freedoms of people, first of all, the right to free elections of their representatives involved in the administration of the state.” “So far, none of these anti-democratic actions have been properly assessed by the European authorities and human rights organizations. We believe that the

Council of Europe and the OSCE, with their pervasive influence on the behavior of the ruling Alliance for European Integration, are to a great extent responsible for the defeat of democracy in the Republic of Moldova and for the establishment of dictatorship in our country. We urge the Council of Europe and the OSCE, the leaders of all democratic countries and representatives of political parties of the countries within the Council of Europe to take immediate action to curb the ruling repressive regime in Moldova,” the declaration emphasizes. “For our part, our party and its supporters are determined to fight against the dictatorship in courtrooms and through mass protests in the streets and squares of the cities and villages of Moldova until the people are liberated from the oppression of the anti-national, anti-democratic, dictatorial regime. And we are confident that the people of Moldova will win.”

The OSCE Mission in Chisinau became concerned about the legionary cross installed in Orhei in August. The head of the Mission, Jennifer Brush, said she was “concerned” about similar cases, “because democratization is part of our mandate. And settlement of the Transnistrian conflict is impossible without democratization on both sides.” “We are closely watching any developments in Moldova, including Transnistria. And I can say that I am really concerned when I see intolerance in any part of Moldova. When I learn that a politically provocative, and even nationalistic, monument is set up in Orhei, it makes me worry. At a time of such delicate negotiations to settle the conflict, things like that don’t help of course,” she said. She also talked about the ban on Communist symbols in Moldova, “I represent the OSCE, but I’m American. And when I see these symbols, I immediately think of Communism. In European countries, there were the precedents when these symbols were forbidden.” Commenting on the fact that the ban on the hammer and sickle also covers the symbols of the Transnistrian administration, she said, “I believe that the new government of Transnistria is driven by democratic aspirations.”

On October 2 and 3, Moldovan MP Inna Șupac presented evidence of an increase in xenophobia and intolerance in the Republic of Moldova at the OSCE meeting in Warsaw.⁵⁷ She noted that “over the last two years, about 100 schools have been closed in Moldova. Most of them are schools teaching in minority languages: Russian, Ukrainian, Bulgarian and Gagauz. In higher education institutions, groups where classes are held in Russian are growing smaller and smaller every year,” moreover, “in April 2012, a national private TV channel broadcasting mainly in Russian was closed in Moldova.”

On October 8 and 9, the first General Assembly of the International Human Rights Movement World Without Nazism took place in Strasbourg. It was attended by 11 delegates from Moldova, as well as several members of the Parliament of Moldova. The forum was attended by the

third President of Moldova and the Chairman of the Communist Party Vladimir Voronin. In his speech, he noted that “the Soviet power was first referred to as ‘occupational’ in Moldova after the fascist coup in Romania and the accession of Ion Antonescu to power, that is, after September 5, 1940. From June 28, 1940, to September 5 of the same year, no one could presume this in Romania, because in fact Romania returned Bessarabia to the Soviet Union voluntarily, by the decision of its government.”

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities	5
–	Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period	0
×	International declarations and initiatives of the monitored countries and the leading politicians against discrimination, neo-Nazism and xenophobia	5
	Total for section 14	10

CONCLUSION

Implications for the development of the country and society based on analysis of the factors and with regard for the following aspects.

1. Human rights

- *Anti-discrimination guarantees for minorities.*

Today, the minorities of the Republic of Moldova are not protected against discrimination by any guarantees. The most striking example of this is the situation with the Russian language and education in areas densely populated by ethnic minorities.

- *Adherence to the standards of basic human rights documents (European Convention for the Protection of Human Rights and Fundamen-*

tal Freedoms, the European Union's Charter of Human Rights, as well as recommendations of the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.)

The Liberals and Democrats in power talk a lot of the need to respect human rights, but show far less concern for the rights of national minorities, regardless of what the latter might think they need for their development.

- *Differentiation of the rights and freedoms of the titular nation and national minorities.*

In this respect, the situation in Moldova is paradoxical, since there is still no consensus on the name of the titular nation. Some think it's the Romanians, others believe it's the Moldovans. The former include some members of the ruling parties, while the latter are the majority of the local population. Despite the opinion of the majority, the influential part of the ruling elite is inclined to unification with Romania, which actually violates the right of the titular nation to free choice of its development path. Especially since ethnic minorities disagree with the unification project. Therefore, differentiation of rights and freedoms is observed between the ruling elite and the rest of the population.

- *Legislation stating the inequality of minorities.*

The laws passed in 2012 included a series of laws that infringe the rights of the Russian-speaking minority, above all, the right to use the Russian language freely.

- *Regulations protecting minorities.*

Laws to protect minorities have been passed in Moldova, but they are not being implemented in practice.

- *Violation of the freedom of expression.*

Instances of violation of the freedom of expression have been recorded in 2012. First of all, this concerns the unprecedented closure of the Russian-language TV channel NIT with more than a million viewers, as well as restriction of the freedom of speech for representatives of left-wing movements.

2. Condition of society

- *The risk of breach or non-observance of existing laws aimed at protecting the rights of minorities and discriminatory practices against their representatives.*

In Moldova, there are cases of limited opportunities for the Russian-speaking minority, which may result in marginalizing and excluding it from active social life. Moreover, it is already leading to a split in society on political and ethnic grounds.

- *The issue of identity: the way that manifestations of xenophobia and extremism affect the identity of minorities, as well as the identification of minorities by the majority (the development of social phobias).*

In the case of Moldova, we can say that the identity of the two main opposing sides goes back to a historical trauma. In the case of Romania-oriented Liberals and Democrats, it is about the memory of Stalin's repressions, deportations and famine; and in the case of representatives of left-wing political movements and Russian-speaking citizens, it is the memory of the pro-fascist Iron Guard in pre-war Romania and of Marshal Antonescu's actions during the Second World War. The cultivation of these traumatic memories intensifies the split in the society. In Moldova, this split is of a political and ethnic nature equally.

3. Social and economic development of the country

(Whether xenophobia and extremism manifested in some form or other affect the social and economic development of the country)

- *The standard of living.*

The introduction of legal restrictions on the use of the Russian language has a negative impact on the Russian-speaking population and on the development of Russian-speaking business.

- *Economic turmoil; instability.*

Economic problems and economic instability are typical of Moldova, although they are based on reasons unrelated to xenophobia and extremism.

- *Reduced production growth; emigration of the workforce.*

Labour migration is typical of present-day Moldova, but emigration is mainly for economic reasons. However, restrictions on the use of the Russian language may lead to mass emigration of the Russian-speaking population for social and political reasons.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

The current serious split in society on ethnic and political grounds undermines political stability in the country.

- *The impact of domestic xenophobia and extremism on external security, relations with third countries and international security in the region as a whole.*

Plans for the Romanianization of the Moldavans, if implemented, will not only further split society, but also aggravate relations with Ukraine and Russia, and force the country to accept the loss of Transnistria for good.

RECOMMENDATIONS

1. *General recommendations on joining international agreements and conventions.*

The Republic of Moldova should join the UN General Assembly's resolutions against the glorification of Nazism, as it would promote national reconciliation in the country.

The Parliament of Moldova should ratify the bilateral agreement with Ukraine for cooperation in guaranteeing the rights of national minorities. This will enable both countries use legal instruments to protect the rights of national minorities, and to respect the rights of their citizens and compatriots in the neighboring state.

The Parliament of Moldova should follow the recommendation supported, among other persons, by the authorized representative of the Inter-Parliamentary Assembly of Member Nations of the CIS Kirill Luchinsky (the head of the Moldova's Parliamentary delegation to the CIS IPA — *editor's note*) on May 17, 2012. This is about a model law prohibiting the rehabilitation of Nazism and glorification of Nazi criminals and their collaborators as passed by the IPA CIS. This model law was passed by a unanimous vote of all the delegations of the CIS countries at a meeting of the Inter-Parliamentary Assembly. It was recommended for discussion and passage by the national parliaments of the CIS countries. A similar draft law was registered with the Parliament of the Republic of Moldova on December 1, 2011.

2. *General recommendations on revising the legal framework.*

Moldova should revise the laws aimed at marginalizing the Russian language and discrimination against the Russian-speaking population.

Furthermore, it should pass laws to protect military monuments and memorials associated with the victory over the Nazis, because this victory has a clear pan-European and global value. In this regard, the Republic of Moldova should follow the example of Germany and Austria, where such monuments are treated with respect.

The Government of the Republic of Moldova should align the current legislation with the Law on Combating Extremist Activity passed in 2003, and submit the relevant draft law to Parliament.

3. *General law enforcement and human rights recommendations for the executive authorities.*

The executive authorities should be more careful when dealing with the functioning of the languages of ethnic minorities, as well as with the specifics of their historical memory that is directly connected with human rights.

The Government of the Republic of Moldova should have optimized the educational system subject to mandatory prior public discussion. This would have helped avoid closing schools where classes are held in the languages of national minorities.

It should also organize a public debate on the most critical issues of the country's history, providing freedom of expression to all concerned parties. The debate might also cover the issues of state and political symbols, as well as significant historical events and heroes, including the memorial sites. Such a debate would give the authorities an idea of the diversity of opinions on the country's history and on the most important trends that would make it possible to implement policy on historical memory more objectively and impartially.

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² When established in 1993, CPRM categorically condemned all totalitarianism with its repression, while maintaining the hammer and sickle as its symbol with an open book as an addition to it; and in March 2008, a new program criticizing the negative practices of the Soviet past was adopted at the VI Congress of the Communist Party.

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⁷ International Human Rights Movement: World Without Nazism. Monitoring of Neo-Nazism, Xenophobia and Extremism. February 2012 — <http://worldwithout-nazism.org/about/General%20%20Monitoring%20November%202012.pdf>.

⁸ Report on Human Rights in the Republic of Moldova — U. S. Department of State Bureau of Democracy, Human Rights and Labor, 2012 — <http://photos.state.gov/libraries/moldova/106281/reports/HRR2012-RUS.pdf>.

⁹ Romania Ministry of Foreign Affairs, Romanian department <http://www.dprp.gov.ro/cat/proiecte-finantate/>: Association of Independent Press (AIP), *Jurnal de Chişinău*, *Ziarul de Gardă*, *Natura*, *Glasul Naţiunii*, *Business Info/Cimişlia*,

Cuvântul/Rezina, Cuvântul Liber/Leova, Ecoul Nostru/Sângerei, Est Curier/Criuleni, Gazeta de Vest/Nisporeni, Glia Drochiană/Drochia, Obiectiv/Bălți, Observatorul de Nord/Soroca, Ora Locală/Ialoveni, Unghiul/Ungheni.

¹⁰ During the discussion of the bill on December 1, 2011, Liberal MP Gheorghe Brega said, “We certainly support the law designed to condemn Nazism, but given that the world condemns Nazism and Stalinism equally, please support us in condemning communism.”

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¹⁵ Report on Human Rights in the Republic of Moldova — U.S. Department of State Bureau of Democracy, Human Rights and Labor, 2012 — <http://photos.state.gov/libraries/moldova/106281/reports/HRR2012-RUS.pdf>

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¹⁷ International Human Rights Movement: World Without Nazism. Monitoring of Neo-Nazism, Xenophobia and Extremism. August, 2012 — <http://worldwithoutnazism.org/about/General%20%20Monitoring%20November%202012.pdf>

¹⁸ International Human Rights Movement: World Without Nazism. Monitoring of Neo-Nazism, Xenophobia and Extremism. August, 2012 — <http://worldwithoutnazism.org/about/Monitoring%20January%202012%20Rus.pdf>

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²⁰ <http://www.viza.md/node/18483>

²¹ Valeriu Mosneaga, The Main Trends of the Present-Day Migration Processes — mirpal.org/files/files/Moldova.ppt

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³⁰ <http://www.kommersant.md/node/13119>

³¹ Most residents of Moldova don't want the republic to join Romania; they also don't believe that it can help develop the country and don't want this help (<http://mold-news.md/rus/news/46456>)

³² Ibid.

³³ Teaching the History of the Romanians as a school subject is supported by only 14% of Moldova's population (<http://omg.md/ru/104105/>)

³⁴ http://www.publika.md/marsul-unirii—pas-cu-pas—arma-depistata-la-unul-din-manifestanti-si-alte-incidente-care-au-avut-loc_1035091.html

³⁵ <http://unimedia.info/stiri/bop-doua-treimi-din-cetateni-vor-ca-limba-moldoveaneasca-sa-ramana-in-constitutie-54456.html>

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SUMMARY OF INDICATORS FOR 2012

No.	INDICATORS	SCORE
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-15
2	Xenophobia and inflammatory statements by members of the authorities and media	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	7.5
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
5	Activities aimed at promoting tolerance and preventing extremism	5
6	Status of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	10
7	Incitement of religious and ethnic hatred	-10
8	Radical nationalist groups and parties	-25
9	Extremist and radical nationalist public actions	-10
10	Racist attacks, violence and terror	-10
11	Presence, popularity and size of anti-fascist and anti-racist movements	15
12	Glorification of German National Socialism and collaborators of Nazi Germany	-20
13	Persecution of veterans and partisans of the anti-Hitler coalition	-5
14	International aspects	10
	Total	-47.5

ROMANIA

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

Indicators

- Discriminatory legislation affecting minorities residing in Romania in the field of registration, mobility, business, employment, housing, healthcare, worship, etc.

Article 1 of the Romanian Constitution declares Romania as a unitary and national state, removing the possibility of the establishment of national autonomies. Furthermore, Article 37 of the Constitution almost directly forbids party activities aimed at the establishment of such autonomies. Article 148 prohibits the revision of the Constitutional provisions relating to the national, united and indivisible principles of the Romanian state, its territorial integrity and the official language.¹

However, Romania recognises national minorities on its territory. According to Article 6 of the Constitution, “the state recognises and guarantees the national minorities’ right to preserve, develop and express their ethnic, cultural, linguistic and religious identity.” In the report on Romania of the UN Universal Periodic Review Working Group, the Romanian delegation stated that their country considers the protection of the culture and identity of national minorities a key priority. Moreover, Romanian authorities recognise minority representation in the Parliament and local authorities.² However, there is no legal way to change the unitary character of the state, which indirectly infringes on the interests of the ethnic Hungarian minority and the political parties that represent them.

In addition, in February 2012, the Romanian Ministry of Labour and Social Protection adopted a bylaw regulating the social assistance in accordance with the Law 292 “On Social Assistance.” According to

these rules, social assistance is no longer given to non-taxpayers and anyone possessing valuable jewellery or more than 100 grams of gold, as well as artwork, expensive porcelain or crystal, furs and other valuables.

Although this is denied by the Romanian officials, the law is indirectly aimed against the Roma, since most of them are not included in the taxpayers list, while golden jewellery is passed through their generations, worn with pride and never sold.³ Some observers believe that the introduction of these regulations was related to a two-times increase of social benefit applicants since the previous year. Unemployment is especially aggravated among the high school graduates with no higher education.⁴

- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

Such legislation was absent in Romania during the monitored period.

- Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attribute and practices, as well as their distribution in the mass media and mass communication.

Such legislation was absent in Romania during the monitored period.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health-care, worship, etc.

Roma is generally the most discriminated minority in Romania. According to the 2011 population census, the Roma population amounted to 620,000 people (3.2% of the total population). The Roma were facing problems in access to housing, education, medicine, etc. Access to social housing was limited due to lack of information and discriminatory selection process. Local municipalities were periodically evicting the Roma communities from their homes. Many communities live near landfills or former industrial sites. For example, in 2010, Roma in Cluj-Napoca were forcibly relocated to a landfill site. In May 2012, the authorities of Baia Mare relocated 100 Roma families to the former copper factory and announced their willingness to move another 260 families in order to receive support in the upcoming mayoral elections. Similar situation occurred in Craiova and Piatra in 2012.⁵ Meanwhile, despite several rulings of local courts and the ECHR in favour of the evicted Roma, local authorities are reluctant to implement them (the latest example was the ECHR ruling on the appeal of a Hadareni

Roma community in 2012 and the decision of the Timisoara regional court, both of which were appealed by the local governments).

48% of Roma do not have access to health insurance. Their unemployment levels are extremely high, as many employers are reluctant to recruit the Roma workers.⁶ According to a study conducted in 2012, 51% of Roma were unemployed and only 10% had a job for more than two years. There is also a widespread practice of segregation of Roma in schools. Roma children in Cluj-Napoca have been transferred to special classes after their parents were relocated to the new location.

Monitoring also recorded several cases of attacks against the Roma committed by members of the authorities. A security company hired by the Rakos Mayor's Office was involved in three cases of violent attacks against the Roma.⁷ On June 10, Romanian paramilitary in the Agristevu village, Mures County, shot two Roma during a conflict, allegedly for self-defence.⁸ At the same time, mayors of the cities with a significant Roma population give privileges to individual members of the Roma minority to control the Roma voters.⁹

Discrimination is also a problem of ethnic Hungarians, which is the largest ethnic minority in Romania (1.2 million people, almost 6% of the population). In October 2012, Romanian Senate voted down the proposal for creating a territorial autonomy of Hungarian Székelys in Harghita, Covasna and part of the Mures region, all of which are the part of the historical Transylvania and are predominantly inhabited by ethnic Hungarians. In an autonomy, the Hungarian language would be able to have the official status.¹⁰

The Romanian Constitution provides for the national minorities' right to receive education in their native language. In addition, Romania signed the Framework Convention on the Rights of Minorities and the European Charter for Minority Languages. Nevertheless, in April 2012, government's attempt to allow the Hungarians of Transylvania to receive Hungarian-language education in the Tirgu Mures University was regarded as a "betrayal of national interests" by the opposition, and resulted in the resignation of the Cabinet. Hungarian is not even considered as a regional language in the regions with a majority Hungarian population.¹¹

Hungarian Prime Minister Viktor Orban expressed his concern with the rising trend of nationalism in Romanian politics at a conference of the Hungarian resistance in Budapest, dedicated to the meeting of loyal politicians from the neighbouring countries. Head of the Hungarian Cabinet expressed his concern with the fact that Bucharest politicians are increasingly taking steps to infringe on the Hungarian minorities living in Transylvania.

"Our government has every reason to be concerned with the political changes in Romania, especially since there were no similar political

statements in previous years,” Viktor Orban added that the Hungarian government will support “the Romanian patriots who cooperate with the Hungarian minority.”¹²

Notably, the Framework Convention for the Protection of National Minorities only applies to the minorities in Romania that are included in the Council of National Minorities (CNM). CNM was established by the Governmental Decree 137/1993 and is designed as an advisory body to the Government of Romania, without being a legal entity. The Council is composed of three representatives from each of the 19 organisations officially representing national minorities in Romania. Thus, the officially recognised ethnic minorities in Romania include Armenians, Bulgarians, Croats, Greeks, Jews, Germans, Italians, Hungarians, Poles, Roma, Serbs, Russian Lipovans, Slovaks, Czechs, Turkic-Muslim Tatars (Crimean Tatars), Turks, Ukrainians, Macedonians and Rusyns.¹³

Consequently, the Balkan-Romance nations living in Romania are not included in this list. Furthermore, on May 8, 2013, the Parliament declared them Romanians in a majority vote. However, even before this decision, these ethnic groups were not de facto recognised as minorities in Romania. Thus, Aromanians, Istro-Romanians, Megleno-Romanians, Moldovans, Vlachs and others who speak their own languages, and do not regard themselves as “Romanians,” fall outside the operation of the Framework Convention.

In addition, with the exception of the Romanian Orthodox Church, most religious organisations are experiencing difficulties with the restitution of property confiscated during the communist regime.¹⁴ Greek Catholic Church is unable to return its property and temples that were forcibly transferred to the Orthodox Church in 1948. Non-Orthodox religious communities are also denied the construction of religious buildings. For example, the Greek Catholic Church was denied construction of a church in Sapinte (Maramures region) — a decision clearly influenced by the Orthodox Church. On March 28, Cluj Court of Appeal overturned the decision of the Baia Mare Court, which was supposed to return the Baia Mare Cathedral to the Greek Catholics. Greek Catholics in Vasad were unable to receive the churches that were returned to their Church in court. This was also caused by the intervention of Orthodox clerics. On September 25, the European Court of Human Rights (ECHR) has ordered the government to pay damages and costs amounting to 25,000 euro to the Roman Catholic Archdiocese of Alba Iulia, for failing to return their property for 14 years.

In some places, the “non-traditional” religious organisations were denied access to cemeteries. For several years, the Bucharest Muslim community was denied land for mosque construction.¹⁵

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Discriminatory legislation affecting minorities residing in Romania in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5
-	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin	0
-	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication	0
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5
	Total for section 1	-10

2. Xenophobia and inflammatory statements of the authorities and the media

Foreign Minister Andrei Marga participated in the televised debates in May 2012, where he stated that Roma immigrants can interfere with Romanian efforts to join the Schengen Area.¹⁶

In 2012, a member of the Frumusani legislative assembly of Roma ethnicity Kristan Buseanu proposed to allocate around 10,000 euros for the extension of the electric infrastructure in the city. His colleagues rejected his proposal, claiming that the Roma do not pay taxes and therefore do not deserve urban utilities.¹⁷

In November, Romanian MP Gigi Becali attended a television talk show, where he claimed that Baptists and “neo-Protestants” (including Baptists, Pentecostals, Seventh Day Adventists, Mormons, Jehovah’s Witnesses, etc.) are “satanic cults” and not Christians.¹⁸

A number of statements made by the Hungarian nationalists can also be noted. On February 27, Mayor of Miercurea Ciuc (Transylvania) Robert Raduly declared the Hungarian language as “mandatory.” Among other things, this includes mandatory knowledge of Hungarian language for any jobseeker.

“Mandatory Hungarian language in Miercurea Ciuc is not discrimination, but an obligation for everyone, from the Prefect to the Romanian TV and radio correspondents. Everybody who lives on the money of Szekler taxpayers must know the language, our mother tongue,” Raduly stated during the ceremony of hoisting the flag of the Hungarian Szeklerland, which is not recognised by Bucharest.

In June 2012, the leader of the Transylvanian Hungarian nationalists Laszlo Tokes spoke at the conference of the National Council of Hungarians in Transylvania, claiming that Bucharest continues the policy of Romanisation of the region’s population, “The policy of assimilation of Hungarians in Romania continues, even 92 years later.”¹⁹

On November 30, a day before the parliamentary elections, mayor of Sfântu, ethnic Hungarian Gheorghe Arpad, posted calls for mobilisation of the Hungarian electorate on the social network, in order to prevent Romanians passing through to parliament, “I’m worried about my city, I do not want to be represented by a Romanian deputy.”²⁰

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Xenophobia and inflammatory statements of the authorities and the media	-5
	Total for section 2	-5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist and anti-extremist legislation, and legislation directed against incitement of ethnic and religious hatred in the country.

Article 30 of the Romanian Constitution reads: “Any defamation of the country and the nation, any instigation to a war of aggression, to national, racial, class or religious hatred, any incitement to discrimination, territorial separatism, or public violence, as well as any obscene conduct contrary to morality shall be prohibited by law.”

Article 75 (1) (c) of the Criminal Code provides criminal responsibility for the crimes committed on the ground of race, nationality, ethnic origin, language, religion, gender, sexual orientation, opinion, political affiliation, belief, wealth, social origin, age, disability and others. Article 77 of Romanian Criminal Code considers xenophobia as an ag-

gravating circumstance. Article 297 of the Criminal Code prohibits state servants to restrict the rights of others based on race, nationality, ethnic origin, language, religion, gender, sexual orientation, political affiliation, economic status, age, disability, chronic diseases or HIV/AIDS. Article 369 of the Criminal Code provides punishment for the incitement of hatred or discrimination. Article 381 covers the offenses aimed at restricting religious freedoms. Article 382 covers desecration of religious sites.

Anti-racism law 107/2006 (preceded by the Government Decree 31/2002) bans fascist, racist or xenophobic organisations, the use of such symbols, as well as glorification of those guilty of crimes against peace and humanity. The law also criminalises Holocaust denial. However, as of time of monitoring, this article was not applied to anyone.

- Presence and improvement of anti-discriminatory legislation.

Romanian Constitution is the basis of its anti-discrimination legislation. Article 4 of the Constitution states that “Romania is the common and indivisible homeland of all its citizens, without any discrimination on account of race, nationality, ethnic origin, language, religion, sex, opinion, political adherence, property or social origin.” Article 6 recognises and guarantees the right of persons belonging to national minorities to the preservation, development and expression of their ethnic, cultural, linguistic and religious identity. “The protection measures taken by the Romanian State for the preservation, development and expression of identity of the persons belonging to national minorities shall conform to the principles of equality and non-discrimination in relation to the other Romanian citizens.” Article 32 states, “the right of persons belonging to national minorities to learn their mother tongue, and their right to be educated in this language are guaranteed.”

Article 16 notes that citizens are equal before the law and public authorities, without any privilege or discrimination. Article 29 guarantees freedom of conscience.

According to Art. 59, paragraph 2 of the Constitution of Romania, each national minority organisation that does not collect a sufficient number of votes for representation in the Parliament, is entitled to one parliamentary seat, within the limits established by the law. A national minority can only be represented by one organisation. On the other hand, Romania lacks legislation establishing the status of national minorities in Romania and a clear definition of this concept.

Immediately after the adoption of the anti-discriminatory EU Directive 2000/43/EC in 2000, Romanian government adopted a Resolution 137/2000 on the Prevention and Punishment of All Forms of Discrimination. Discrimination is defined as harassment on the grounds of race, nationality, ethnic origin, language, religion, social status,

creed, gender, sexual orientation, age, disability, status of a refugee or an asylum seeker. The law prohibits discrimination in employment, education, housing, healthcare, and others.

In addition, Article 282 of the Criminal Code criminalises discrimination against certain individuals on the part of state servants.

Romanian Law on Education from 2011 has been modernised to correspond with all EU standards and international agreements. The Law states that persons belonging to national minorities have the right to receive education at pre-university levels in their mother tongue. Schools or classes in the minority language are created at the request of parents or legal guardians, without a minimum requirement.

- Compliance of the authorities (central regional, municipal), the law enforcement and judiciary, with anti-Nazi, anti-racist and anti-extremist legislation. Compliance with anti-discriminatory legislation and legislation directed against the incitement of ethnic and religious hatred.

Romania has officially adopted all major European and international rules and regulations prohibiting discrimination of any kind. However, the EU anti-discrimination policy has not been fully implemented in 2012 (2000/43/EC and 2000/78/EC). The processes was only resumed in March 2013, after the pressure from the EU officials.

The main government institution responsible national minority affairs is the State Department of Interethnic Relations and the Council of National Minorities. National Agency on Roma Affairs was established in 2004 to coordinate the implementation of state policies related to the Roma population. The state policy on Roma focuses on six areas: education, employment, healthcare, housing and small infrastructure, culture, and social infrastructure. Particular attention is paid to such pressing issues as social housing and the segregation of Roma children in schools. Romania has an institute of “school mediators,” which has proved its usefulness as a tool to monitor the situation and prevent dropouts, as well as ensuring school attendance among the Roma students. Currently, there are 923 trained school mediators, 437 of which work in regional school inspectorates, local governments and county councils. The experimental programme “Social housing for the Roma communities,” conducted by the National Housing Agency, includes a plan to build 300 units of social housing in 11 cities, providing the most convenient access to education, healthcare and social services.²¹

National Agency on Roma Affairs cooperated with other Ministries and civil society organisations to develop a new national strategy on Roma for the period of 2011–2020. The strategy aims to improve the level of Roma education and skills, increase their employment level, re-

duce poverty, stop their social exclusion and discrimination, and improve their health and living conditions.

The National Council for Combating Discrimination was established in Romania in 2006.²² NCCD is an independent state body under parliamentary control, which works in the field of anti-discrimination. The Council is guarantor of enforcement and application of the principle of non-discrimination, as provided by the national legislation and international treaties. The National Audiovisual Council (*Consiliul Național Audiovizualului*) is responsible for countering discrimination in the media. It has the authority to impose sanctions against media outlets that violate the relevant rules and regulations. In 2012, the National Audiovisual Council introduced procedures for imposing sanctions against nationalist, anti-Semitic and racist statements on television and radio shows.²³ People's Advocate (Romanian Ombudsman) is also involved in the struggle against discrimination.

There are certain problems related to the compliance with paragraph 7, Article 32, of the Romanian Constitution, which states:

“The State shall ensure the freedom of religious education, in accordance with the specific requirements of each religious cult. In public schools, religious education is organized and guaranteed by law”

In accordance with the Constitution, 18 recognised religions have the right to conduct religious courses in public schools. The law entitles any number of students to their respective religion classes in schools. In autumn 2012, Ministry of Education responded to the criticism of propaganda of intolerance in school textbooks, announcing that it would consult with the Romanian Orthodox Church to amend the textbooks. Exclusion of other religious organisations from this process was criticised by numerous human rights groups.

Romanian Government is part of the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research. The Government continued to implement the recommendations of the International Commission on the Holocaust in Romania (Wiesel Commission) and promoted the history of the Holocaust in school programmes. As a result, History of the Holocaust has been included in the history curriculum of the 7th, 9th, 11th and 12th grade. During the 2012–2013 school year, 106 schools offered the elective course “History of the Jewish victims of the Holocaust.” The government continued to support staff training for history teachers on this subject. In addition, the Ministry of Education provided numerous training materials and maintains a web site designed to provide guidance for teachers across the country. The Ministry sponsors national and international seminars on the history of the Holocaust.²⁴

- Responses to hate crime (criminal proceedings against organisers and participants, convictions).

Romania is among the countries that do not monitor hate crime statistics. Hate crimes are often improperly qualified by the Romanian law enforcement authorities due to insufficient profession training of police officers or the reluctance to formally recognise the presence of xenophobia in the country. Public authorities have no reliable hate crime statistics, and therefore, there is no adequate representation of the extent of the problem. Officials usually recognise around 10 hate crimes per year, assuming that the majority of victims do not report to the police. However, non-governmental organisations argue that hate crime is much more common and the police is deliberately unwilling to tackle this problem.²⁵

The Netherlands Foreign Ministry financed a virtual reception for the victims of such crimes in Romania. Victims report the attack on <http://raporteaza.ro/>. However, this Internet resource provides no information on the number of such attacks; in 2012, the website administration presented no alternative data.

There were several instances of investigation of such offenses. For example, on February 22, the National Council for Combating Discrimination imposed a fine of 1,000 lei (\$300) on a director of Mures Prefect Office, who had left an anti-Semitic post on Facebook.²⁶

On February 27, the NCCD imposed a fine of 2,000 euros on the Cluj-Napoca Municipality for eviction of Roma.²⁷

In September 2012, a trial over “All For The Homeland” party launched in Bucharest²⁸

In October 2012, the NCCD fined Steaua FC fans for their racist slogans.

It can be noted that there is no data regarding the police investigations of hate crimes. There are reports of a widespread law enforcement practice to qualify such offenses as domestic crimes, and the reluctance to register racist incidents. Therefore, we can conclude that hate crime is only partially combated in Romania.

- Unlawful use of anti-extremist legislation.

Such facts were not recorded during the monitored period.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-Nazi, anti-racist and anti-extremism legislation, legislation against incitement ethnic and religious hatred in the country	5
×	Presence of anti-discrimination legislation	5

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Compliance of the authorities (central regional, municipal), the law enforcement and judiciary, with anti-Nazi, anti-racist and anti-extremist legislation. Compliance with anti-discriminatory legislation and legislation directed against the incitement of ethnic and religious hatred	5
-/×	Counter-actions against hate crimes (criminal cases against organisers and participants, convictions)	2.5
-	Unlawful use of anti-Nazi, anti-discrimination and anti-extremist legislation	0
	Total for section 3	17.5

4. Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

Romanian authorities were not particularly active in terms of anti-xenophobic rhetoric in 2012. On October 3, Minister of Foreign Affairs of Romania Titus Corlatean met with his Hungarian counterpart and stated that Romania's position in related to the Hungarian minority remains the same — these communities is an important bridge between the two countries. He added that “minorities should be able to retain their identity.”²⁹

On December 15, Prime Minister Victor Ponta urged the cabinet to respond to the “fascist propaganda of the *PDL* (right-wing alliance).”³⁰

Between the statements of President Traian Basescu on his solidarity with dictator Antonescu, who declared war against the Soviet Union on June 1941, these statements can only be seen as random expressions of the Romanian leadership's wishes.

PRESENCE OF CRITERIA	INDICATORS	SCORE
-/×	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	2.5
	Total for section 4	2.5

5. Activities aimed at promoting tolerance and preventing extremism

In 2011, the European Integration Fund, collaborating with the Immigration

Service, the Intercultural Institute “Timisoara” and the Association of Women Refugees in Romania, launched a project called “Workers in Romania.” The project aims to improve consultations for immigrants, as well as their civic participation. The project includes a www.migrant.ro website, a quarterly magazine “Immigrant in Romania,” as well as the establishment of joint work groups (involving immigrants, local NGOs and local authorities) in Bucharest, Constantia, Cluj, Jassy and Timisoara. Three nationally orientated integration work groups were also created. “Workers in Romania” promotes social cohesion and integration.³¹

On December 14, 2011, the strategy of Roma integration for the period 2012–2020 has been adopted. Strategy is orientated towards social and economic integration of the

Roma, as well as the accountability of local authorities. Measures are provided for the fields of education, employment, healthcare and housing. State supported informational and educational programmes are being conducted, such as “Colourfulness, without the differences in skin colour,” “Stop, abandon all preconceptions, find out more about the people of Roma” and “Voice of the Roma community in the society.”³²

These activities have been conducted in 2012. In the same year, the government of the Netherlands funded a public reception for the victims of hate crimes at <http://raporteaza.ro>. The purpose of this project is to rectify the lack of registration of such crimes and to provide the victims with legal assistance.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Activities aimed at promoting tolerance and preventing extremism	5
	Total for section 5	5

6. Status of migrants and Immigrants’ standing in the society, society’s attitude towards immigrants, foreigners, various ethnic groups

Indicators

- Presence and improvement of immigration law.

Romania's role in immigration is twofold. On the one hand, Romania is the supplier of immigration into other countries. According to some reports, around 2 million people left the country in the monitored period.

On the other hand, Romania is an "eastern gate" into the EU. As of 2009, there were approximately 60,000 legal immigrants in Romania; most of them are Arab, Turkish, Chinese and Moldovan.³³ Therefore, Romanian legislation covers both of these issues.

Article 17 of the Romanian Constitution states, "Romanian citizens while abroad shall enjoy the protection of the Romanian State." According to Article 18, "Aliens and stateless persons living in Romania shall enjoy general protection of persons and assets, as guaranteed by the Constitution and other laws"³⁴ Article 9 of the Citizenship Act allows foreign nationals to apply for citizenship after five years of residence in the country (or three years of marriage with a Romanian citizen).³⁵ However, Articles 4 and 5 of the Citizenship Act adopted in 1991 do not provide automatic citizenship for children born in Romania if at least one of their parents is not a Romanian citizen.³⁶

Article 264 of the Criminal Code of Romania provides punishment for contributing to illegal immigration. The punishment for such offense is up to seven years imprisonment if the organizer is a civil servant, or up to five years for everyone else.

Position of immigrants is regulated by Law 194 "On Aliens," adopted in December 12, 2002, and Law 122 "On Asylum," adopted in May 2006.³⁷

According to Article 9 of Law 122, the refugee status is granted for an indefinitely, while the temporary legal protection is granted for a term not exceeding two years. Government Decree 102/2005 was amended in 2011 to include the provisions on free movement of citizens of the EU, the EEA and Switzerland.³⁸

Moreover, Law 248/2005 on the free movement of Romanian citizens, allows national courts to restrict exit from Romania for up to three years if the person's presence in the country can seriously harm the interests of Romania due to his/her actions or should perform, or if it is justified by bilateral agreements concluded by Romania. This applies to persons deported from other EU countries.³⁹ This provision particularly complicates the work of human rights activists from other countries, who, for example, were denied entry to one of the Baltic States, since Estonia alone has a "black list" consisting of several dozen foreign nationals, including EU citizens.

According to the Law "On Asylum," Romania provides asylum and additional protection for an indefinite period. Additional protection is granted to a foreign national if he/she does not fall under the requirements of refugee status, but it is dangerous to send such foreign national to the country of his/her nationality. If there is reliable informa-

tion about the improvement and stabilisation of the situation refugee's place of origin, his/her refugee status may be reconsidered.

Since Romania's accession to the EU in 2007, its legislation has been updated with provisions on temporary protection, in case of an influx of persons seeking protection. However, there have not been such cases in Romania as of yet.⁴⁰

- Authorities' compliance with such legislation (law enforcement practice).

Romanian immigration laws are generally well enforced.

Immigrant affairs are regulated by the Immigration Service of the Ministry of Interior. As of 2012, it suffers a staff deficit. A single Service employee responsible for the consideration of petitions has to analyse 26 cases per month, while an average employee in Europe is responsible for 6 to 10 cases per month.

There are six refugee centres in Romania (in Bucharest, Galati, Radauti, Maramures, Timisoara and Giurgiu). Centres conduct registration of applicants, maintain their personal files; foreigners receive information about the decisions made in their regard. The centres provide applicants with an adviser, who assists foreign nationals during their review. Refugees are provided with an integration advisor.

In addition to providing accommodation, the centres provide mandatory and periodic medical examinations, financial assistance and the necessary social assistance. Residents are encouraged to participate in cultural events and visit free language courses. Even those who do not reside in these centres can use its services.

During the application procedure, asylum seekers are paid the minimum financial assistance, which is in fact lower than the minimum subsistence level.

Much attention is paid to the unaccompanied under age asylum seekers. Such foreign nationals, under the age of 16, are accommodated in special centres for Romanian children and are transferred to the refugee centres upon reaching 16 years with a mandatory appointment of a guardian.

All refugee centres are completely open. As of August 2012, the total occupation of the centres was 70% (over 700 people), in June 2012 — 85%.⁴¹

- Discriminatory practices against immigrants.

In 2012, "Migreurop" published witness reports of immigrants who escaped from the temporary custody centre in Arad. They talked about harsh treatment against them and other immigrants from Algeria, Tunisia and Morocco, including beatings, gas poisonings, and so on.⁴²

In September 2012, Romania signed an agreement with France on the deportation of Romanian Roma families from France to Romania, thus becoming an accomplice in Roma deportations.⁴³

- Use of the “ethnic crime” theme in order to discriminate against immigrants.

No such facts were revealed by the monitoring in 2012.

- Social welfare for immigrants.

Social assistance for foreign nationals is governed by the Aliens Act, the Law on Asylum and the Social Assistance Act.

Article 79 of the Aliens Act states that the Romanian state shall provide conditions for economic, social and cultural integration of foreign nationals who have been granted residence Romania. To support integration the state provides courses of Romanian language, history, culture, civilization and justice. Immigrants are provided with job training and informed about their rights and obligations.⁴⁴ A number of agencies (each in their own aspect) is responsible for the integration of migrants: Ministry of Internal Affairs, Ministry of Education, Culture and Youth, Ministry of Labour, Family and Equal Opportunities, Ministry of Health, and others. Ministry of Internal affairs coordinates and monitors the implementation of the relevant policies. The law provides measures supporting integration, such as facilitated access to employment, housing (rental subsidy of 50% of the value), education, health-care and social welfare, and implements an integration programme, including the Romanian language courses.

Each immigrant is provided with a personalised integration programme. The programme must be implemented within six months after the signing of the integration protocol.⁴⁵ Article 18 of the Law on Asylum establishes special courses for underage refugees, which allow them to easily integrate into the Romanian system of education. Each immigrant must sign a protocol on integration.

Article 4 of the Social Assistance Act guarantees social welfare at the same level as Romanian citizens for the legal foreign residents, who have a temporary or permanent residence permit, as well as EU countries citizens.⁴⁶ Local authorities are obliged to provide social housing for persons who have been granted a form of protection in Romania and who are moving to the respective communities, within the available resources and on the same conditions as Romanian citizens.⁴⁷

- Negative attitudes towards immigrants, foreigners, different ethnic groups.

Like most of the monitored countries in 2012, Romania had a high level of xenophobia. According to surveys conducted in 2012, 61% of

respondents do not trust Jews, 65% are wary of Hungarians, and 86% have similar attitude towards the Roma.

23% of respondents find the presence of Hungarians in Romania unpleasant, 46% have hostile feelings towards the Roma. A distinctive feature of the Romanian society is that these sentiments are more pronounced among the respondents with higher education (48%).

Surveys indicated that only 12% of respondents have a positive attitude towards Roma, 49% — towards Jews 38% — towards Hungarians. Hostility towards the Roma community is also evident in the following: 65% consider the presence of Roma in Romania a big problem, 36% see them as a threat to the country. Even greater aversion in Romanians is caused by homosexuals: 61% of respondents are outraged with their lifestyle, and only 40% of respondents perceive them as someone they could neighbour with.⁴⁸

At the same time, 53% of respondents believe that the economic crisis is the reason for the increasing level of discrimination in Romania and 59% society as the reason, or rather the lack of mutual assistance and mutual support.⁴⁹

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence and improvement of immigration laws	5
×	Authorities' compliance with such legislation (law enforcement practice)	5
×	Discriminatory practices against immigrants	-5
-	Use of the "ethnic crime" theme in order to discriminate against immigrants	0
×	Social assistance for immigrants	5
×	Negative attitude of the society towards immigrants, foreigners, various ethnic groups	-5
	Total for section 6	5

7. Incitement of religious and ethnic hatred

Indicators

- Calls for ethnic and religious hatred in mass media and mass communication, graffiti.

On January 17, it was reported that leaflets of anti-Ukrainian content have been distributed in Bukovina and Ukraine border regions of Romania.⁵⁰

On May 1, it was reported that the Romanian Academy of Sciences added a derogatory term “jidani” to define Jews in Romanian language dictionary. However, after the resulting scandal, the Academy promised to make the necessary changes.⁵¹

In 2012, it was reported that the Orthodox textbook for 11th grade called the Greek Catholic Church as “the result of the Catholic proselytism,” while the Jehovah’s Witnesses, Bahais, and Mormons were called “sects that pose a real threat to the society.”⁵²

Nationalist organisations and individuals create and maintain various online platforms, websites, blogs, news portals of xenophobic content (e.g. <http://ro.altermedia.info>, <http://www.frontpress.ro>, <http://www.ziaristionline.ro>), and post online video messages of the same sort. As of September 2012, Romanian segment of the internet contained at least 18 websites that spread xenophobia, anti-Ziganism and anti-Semitism.⁵³

The “Great Romania” party supports two online publications “Revista România Mare” and “Ziarul Tricolorul,” which are publishing the statements of their party leader V. Tudor aimed against his political opponents and minorities.

Media and independent observers reported several cases of Nazi graffiti in Bucharest.⁵⁴

In March 2012, a group of Romanian historians debated the participation and the role of Jews in spreading communist regime in Romania after the Second World War. Such allegations were made by historians and publicists Neagu Djuvara, Radu Ioanidi, Lucian Boya, Liviu Rotman, Marius Oprea and Stelian Tanase.

“The communist regime has been established in Romania with or without the Jews and was brought in by armies and tanks. However, many Jews benefited with the establishment of communism. For example, in the early years of the regime, 80 percent of workers in the Ministry of Foreign Affairs were Jews. I was lucky to be out of the country on the day of the abdication of King Mihai, otherwise, I would have probably spent many years in prison,” one of the participants Neagu Djuvara stated, adding that many Jews realised the unviability of communism in economic terms and turned their back on it.⁵⁵

- Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.

It cannot be said that ultra-nationalist literature is popular and widespread in Romania. However, there are numerous books on the history of the country during the dictator Antonescu’s leadership,

aimed at the glorification of Romanian fascism in the 1930s and 1940s.⁵⁶ There is also literature, non-fiction and feature films aimed at the popularisation of the thesis that “Bessarabia is Romanian land.”

There are no openly neo-Nazi rock bands in Romania, unlike a lot of Western European countries. However, the numerous online records devoted to the “Anti-Monel” movement (Monel — a type of gypsy music) are fairly popular and their followers are hostile to the Roma. Formally, it is a competition of musical genres, but in fact, it is an open propaganda of racist and ultra-nationalist ideas.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts	-5
	Total for section 7	-10

8. Radical nationalist groups and parties

Indicators

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).

“Great Romania” is one of the most well known Romanian right-wing parties that was founded in 1990 and led by Vadim Tudor.⁵⁷ Even though the party is not represented in the Romanian Parliament since 2008, it has a faction of two deputies in the European Parliament. In addition to Vadim Tudor, Gigi Becali, owner of Steaua FC and a professed xenophobe, became its representative in the European Parliament in 2012.

Totul Pentru Țară (“Everything for the homeland”) considers itself a successor of the Legionaries Movement/Iron Guard — the leading fascist organisation of interwar Romania. The party actively uses legionnaires’ symbols (green shirts), rhetoric (radical nationalism) and gestures (Nazi salute — “Sieg Heil”).

One of the most active political groups is the New Right (*Nou ă Dreapta, ND*). Founded in 2000, it is actively engaged in building international contacts, particularly with the representatives from

Moldova and Ukraine. New Right also positions itself as a successor of “legionaries.”

The “Legionnaires’ Movement” also considers itself a successor of the Iron Guard. The movement operates in Bucharest from their data centre, a library decorated with Iron Guard’s fascist symbols.⁵⁸

There is also an extreme right populist party called the “New Republic” and a moderately nationalist Transylvanian Hungarian People’s Party, which acts in areas of compact settlement of the Hungarian minority.

- Discriminatory demands towards the minorities in programmes of these parties and in statements of their leaders.

Great Romania party supports the restoration of Romanian “historical borders” — i.e. absorption of Moldova and accession of the part of the Ukrainian territory.⁵⁹ New Republic party declares its reverent attitude towards “the pantheon of Romanian soldiers killed in the war for the independence and in the two world wars” (i.e. the soldiers of Antonescu regime, former Nazi collaborators).⁶⁰

Website of the “Great Romania” party publishes articles that seek to “prove” that Hungarians living in the Székely region were destroying the traces of Romanian civilization since 1940, and these lands were previously populated exclusively by Romanians. Hungarians are called the “invading colonists” that should leave the province to make place for “the Romanian majority.”⁶¹ V. Tudor’s statement on the Holocaust denial can also be noted (see below).

Transylvanian Hungarian People’s Party stands for the autonomy of the so-called Székely region and the official status for Hungarian language in the region.

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.

Despite the fact that radical nationalists are not represented on the upper levels of the government, their anti-Roma, anti-Hungarian and “Greater Romania” ideas have a significant impact on the society.

All of these factors, especially antiziganism is actively exploited during election campaigns (see: the situation in Baia Mare). Many prospective adoptive parents refuse to adopt Roma children.⁶²

In October 2012, “Steaua” FC was fined for racist slogans of its fans. Football club’s management (the aforementioned radical nationalist and MEP Gigi Becali) and the president of the Romanian Football League expressed their dissatisfaction to the head of the National Council for Combating Discrimination Csaba Ferenc Asztalos, pointing to his Hungarian origin and advised him to become a nomad.

- Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.

In May, it was reported that for the first time in the last 10 years an openly Nazi party *Totul Pentru Țară* (“Everything for the Homeland”) is taking part in the elections to local governances. However, its candidate failed to achieve any significant results. Romanian radical nationalists are represented in several regional administrations in Romania. The moderately nationalist Transylvanian Hungarian People’s Party is also presented in the so-called Székely municipal council, gaining several seats in June 10, 2012.⁶³

- Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.

Both the Romanian nationalist parties and the Transylvanian Hungarian People’s Party were unsuccessful in the 2012 central elections.⁶⁴ However, Romanian radical nationalist ideas are “borrowed” by the large parties. Thus, the idea of “Great Romania” has been consistently implemented for several years — for example, the large-scale distribution of Romanian passports in Ukraine and Moldova in 2012.⁶⁵ In early December, it was reported that 462 candidates participating in the parliamentary elections in Romania, signed the “Pact for Bessarabia,” promoting the idea for the swift accession of the Republic of Moldova to Romania.

By signing the document, representatives of Romanian parties have undertaken a set of specific obligations related to Moldova’s absorption into Romania. These included the public speeches on the need for Moldova accession to Romania, the recognition of a single nation on both banks of the Prut River, the approval of Romanian Language Day, August 31st, as a state holiday and the granting of Romanian citizenship to all ethnic Romanians in Moldova.

The signatories of the “Pact for Bessarabia” included members of the Social Liberal Union from the “Right Alliance of Romania,” representatives of Dan Diaconescu’s People’s Party, members of the “Great Romania” party, the Romanian Ecological Party, the National Democratic Christian Party, the Social Democratic Workers’ Party, the Socialist Alliance, as well as independent candidates and representatives of national minorities.⁶⁶

The closeness of the neo-Nazis and the “mainstream” parties is evidenced with the fact that M. Neamtu, leader of the “New Republic,” was included in the electoral list of the Right Alliance, which is led by President Traian Băsescu. However, Alliance’s defeat in the elections (it received 17% votes, while the competing Social Liberals got 58%) prevented Neamtu from passing into parliament.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities)	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities	-5
×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations	-5
-/×	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies	-2.5
×	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies	-5
	Total for section 8	-22.5

9. Extremist and radical nationalist public actions

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

According to the monitoring, none of the extreme right activities in 2012 has been prohibited by the authorities.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

Extremist organisations have conducted several high-profile anti-Semitic public events, such as symposiums and processions commemorating the Iron Guard in the Tankabesti forest (November 2012) and in Târgu Ocna (January 2012), where Iron Guard leader Corneliu Codreanu was executed in 1938.⁶⁷

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

No such facts were recorded by the monitoring in 2012.

- Presence of “football xenophobia” and racism amongst sports fans.

Football racism is widespread in Romania. Steaua FC was a notable figure in this sense. The football club is led by George Becali, a member of the “Great Romania” party and the European Parliament.

Romanian football unions and organisations have repeatedly stated that football fans’ use of the term “Gypsy” (*tigani*) has no ethnic overtones, and is used as a nickname for fans of the rival teams. However, on September 24, 2012, during a game in Bucharest, fans displayed banners depicting Eugen Grigore — a criminal who ran down 24 Roma in his truck in 1970, to avenge his parents. This case is still considered as a “role model” among the extreme rights.⁶⁸

This incident occurred during the match Steaua FC vs. FC Rapid in Bucharest, with 30,000 fans in the stadium and drew attention of the UEFA president Michael Platini. In his letter to the president of the Romanian Football Federation, Platini condemned the three most blatant manifestations of racism during the game: the racist chants of the fans, banners supporting the mass murderer Eugen Grigore, and the provocative statements against the Roma made by the football club’s management after the match.⁶⁹ President of UEFA urged the Romanian national football federation to take action against FC Steaua, although nothing was ultimately done. Characteristically, only a few days later, on October 6, Steaua fans repeated their racist antics, although of a smaller scale, during an international match against FC Copenhagen.⁷⁰ As a result, FC Steaua was fined by the National Council for Combating Discrimination (NCCD) and suspended from the participation in a UEFA tournament. The club received a suspended punishment with a five-year probation period.⁷¹ Interestingly, the head of the NCCD was attacked just several days later, on October 12.⁷²

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities	0
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities	–5
–	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies	0

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Presence of “football xenophobia” and racism amongst sports fans	–5
	Total for section 9	–10

10. Racist attacks, violence and terror

Indicators

- Vandalism in cemeteries, attacks on religious buildings.
No such facts were recorded in 2012.
- Inter-ethnic clashes instigated by xenophobia and radical nationalism.
No cases of inter-ethnic clashes in Romania were recorded by the monitoring in 2012.
- Cases of violence, including murder on racial, ethnic and religious grounds.

Due to the absence of any statistics on hate crimes, it is impossible to carry out a full analysis. Only some individual incidents are known.

In October 2012, the head of the National Council for Combating Discrimination was attacked by four people, which happened a few days after the Council had fined the FC Steaua for the racist statements of its fans during a football match against FC Rapid.

In early November 2012, a group of seven young men and women, after taking part in a scientific discussion about the history of homosexuality in Bucharest, were attacked by a group of ten people who have positioned themselves as LGBT opponents.⁷³

In June 2012, Tudor Marina, a priest and rector of “St. John the Baptist” church in Focsani, has been murdered. The perpetrator managed to escape.⁷⁴

In October 2012, a man in Bucharest armed with an axe and a knife demanded the post office employees to unite Bessarabia and Romania. The incident occurred in the sixth sector of the Romanian capital. The man entered the Durmul Taber office of the state-owned Mail Romania, where, threatening with an axe and a knife, demanded urgent unifica-

tion of Bessarabia and Romania. He threatened to slaughter all employees who have already called the police, which burst into the office and disarmed the assailant. His actions were classified as taking hostages. The man was taken to the police station for further questioning.⁷⁵

- Terrorist attacks based on radical nationalism and religious fanaticism.

No such cases were recorded during the monitored period. However, Romanian intelligence agencies have repeatedly informed the Romanian authorities about several attempted Al-Qaeda terrorist attacks. Specifically, in December 2012 the Romanian State Security Service reported about the expulsion of two foreign students on suspicion of their involvement in a planned terrorist attack. 30-year-old Muhammad Ramzan and 19-year-old Muhammad Adeela were reportedly associated with the Al-Qaeda terrorist cell, and were scheduling attacks for winter holidays. According to the service's press liaison Daniel Sava, Pakistanis have "secretly created the externally controlled support points." Both were students of the Food Industry Faculty at the Lucian Blaga University in Sibiu. However, this was just a disguise for the Al-Qaeda terrorists.

The Pakistani students were specialised in chemistry and, according to the Information Service, were capable of creating an explosive mixture. Authorities did not find any direct evidence of terrorist preparations, although the security agencies believe that both had already recruited individuals to participate in the attack. According to some sources, both alleged terrorists arrived from Kosovo.

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Vandalism in cemeteries, attacks on religious buildings	0
–	Inter-ethnic clashes instigated by xenophobia and radical nationalism	0
×	Cases of violence, including murder on racial, ethnic and religious grounds	–5
×	Cases of hate crimes	–5
–	Terrorist attacks on the basis of radical nationalism and religious fanaticism	0
	Total for section 10	–10

11. Presence, popularity and size of anti-fascist and anti-racist movement

Indicators

- Presence of anti-racist anti-Nazi movements and parties.

CRISS is the largest organisations that protects and promotes the rights of the Roma in Romania since 1993, providing legal assistance in the fight against racial discrimination. About two dozen other organisations in Romania help Roma to combat xenophobia and discrimination.⁷⁶ Romania also has the “Open Society” Fund, which actively promotes the creation of a tolerant society.⁷⁷

Anti-Semitism is monitored by the Centre for Monitoring and Combating anti-Semitism. E. Wiesel National Institute Studying the Holocaust in Romania was also very active in informing the public about the Holocaust deniers.⁷⁸

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

2012 was rich in social protests of Romanian citizens. Mass protests in January were aimed against the healthcare reform and escalated into clashes with the security forces. However, there were only a few mass protests supporting the rights of national minorities, since this topic is not very popular in the society.

Nevertheless, Hungarians organised a demonstration in Sfântu Gheorghe on September 3, demanding restitution of the confiscated by the totalitarian regime church property, and protested against the arrest of the members of the Hungarian Commission for the Restitution. The demonstration was attended by approximately 30,000 people.⁷⁹

- Presence of anti-racist and anti-fascist civic initiatives.

The “Open Society” Fund and the World Bank are financing Roma school assistance programmes in Romania, such as the “School After School” programme of the Roma Education Fund and the “Programme of Equal Opportunities in Education.”⁸⁰

In 2012, the European Centre for Roma Rights collaborated with the “Open Society” to launch a research into health inequalities between the Roma and non-Roma population. The project aims to assess inequities in access to Romanian healthcare based on a survey of 1,100 Roma and 800 non-Roma households.⁸¹

Democratic Union of Hungarians in Romania regularly advocates the compliance with the provisions on Hungarian language as the language of education in ethnic Hungarian regions. This requirement is written in its programme alongside the requirement to establish a cul-

tural autonomy.⁸² In May 2012, the ex-chairman of the party Bela Marko proposed to restore the Hungarian Autonomous Region in the country — a territorial unit that existed from 1952 to 1968.⁸³

On March 8, the Centre for Monitoring And Combating Anti-Semitism and CRISS urged Romanian authorities to initiate a criminal case against senator of SDPR Dan Sova on charges of Holocaust denial (see below).⁸⁴ On August 7, Romanian Jewish community expressed outrage with Sova’s appointment to the position of a Minister for Relations with Parliament.⁸⁵

On November 27, film director David Schwartz opposed the celebration of the Romanian “National Day” on December 1st. Schwartz stated in an interview, that December 1, 1918, was the date of Romania’s establishment as a police state that repressed and terrorised the national minorities in the annexed territories of Transylvania, Bukovina, Bessarabia and Dobruja.

“I do not believe that December 1st should be considered a ‘National Day.’ There are much more important dates in the history of Romania than December 1st that we can really be proud of,” Schwartz concluded.⁸⁶

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-racist and anti-Nazi movements and parties	5
-/×	Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations)	2.5
×	Presence of anti-racist and anti-fascist civic initiatives	5
	Total for section 11	12.5

12. Glorification of German National Socialism and collaborators of Nazi Germany, historical revisionism, Holocaust denial

Indicators

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

Romanian mass media and communication are regularly publishing materials that glorify dictator Antonescu, presenting him as a responsible state leader and patriot of his country.⁸⁷

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

On April 17, it became known that the government of Suceava province allocated funds for the publication of poetry of a former “Legionnaire” Gheorghe Ungureanu. The book cover depicted the founder of the Iron Guard C. Codreanu.⁸⁸

In April, a memorial to C. Codreanu was discovered on the National Highway 1 in Bucharest. Furthermore, in July, the local prosecutor’s office, despite the appeal of the Institute for Studying the Holocaust, stated that the memorial is not meant for promoting xenophobia, and its existence does not violate the 2002 law.⁸⁹

On May 27, authorities did not interfere into the commemorative ceremony dedicated to a Hungarian writer, active member of the Horthy regime and an anti-Semite Jozsef Niro, organised by Hungarian authorities in Odorheiu Secuiesc.⁹⁰

On September 1, Romanian Liberal Democrat and one of the leaders of the Botoşani regional party office Gică Manole installed the bust of Ion Antonescu in a Moldovan village of Tătăraşeni.⁹¹

In Bucharest, “Movement of Legionnaires” headquarters openly displays the flag of the Iron Guard, and the building is decorated with fascist symbols. The leaflets in the name of the Iron Guard are distributed around the city.⁹²

- Glorification of German National Socialism and/or its collaborators in the decision made by the authorities.

On January 17, office of President Traian Băseşcu issued a response to the inquiry of the European Member of Parliament, who was wondering whether the position of president has changed since he publicly celebrated the march of Antonescu’s army east, as a part of Nazi troops. In response, it was stated that since the President’s statements do not question Romania’s commitments to the EU, he is not obliged to comment.⁹³

On November 11, it was reported that Romanian MEP M. Makovei stated during the meeting of the Parliamentary Cooperation Committee EU-Moldova that Antonescu should be considered as a national hero in Romania.⁹⁴

- Historical revisionism, Holocaust denial.

Several facts of the Holocaust denial have been recorded. On October 18, MEP and leader of “Great Romania” Corneliu Vadim Tudor stated during a television programme that he “will deny the Holocaust (in Romania) until he dies” because he loves his people.⁹⁵

On March 5, member of the ruling Social Democratic Party, senator Dan Sova, stated that Romanian soldiers' non-involvement in the killing of Jews in Yasah is a "historically proven fact" and tried to shift the responsibility for these executions on the Germans, "Not a single Jew suffered in the Romanian territory, thanks to Marshal Antonescu." Sova was later forced to apologise, and the head of the Social Democratic Party Victor Ponta stated that Sova will not talk to the press until he visits the Holocaust Museum in Washington.⁹⁶ Dan Sova's statements are a result of misconceptions prevailing in the society, which politicians are reluctant to dissipate. According to a survey conducted in 2010, 46% of respondents have an idea of what the Holocaust is, 86% accuse Romania of the Holocaust during the German National Socialist regime, and only 43% of respondents — under the regime of Ion Antonescu.⁹⁷

Ion Coja, a teacher in the graduate school of politics, is also engaged in the Holocaust denial, and even has his own website (<http://www.ioncoja.ro>). Similar views are shared by the professor of history of the Aachen University (Germany), Vladimir Iliescu, who claimed that "the Holocaust in Romania is a massive lie."⁹⁸

Trivialisation of the Holocaust also takes place in Romania. Mircea Munteanu, director of the Mures county prefect office, made a post on Facebook in January, commenting on the worker's strike with the phrase "Arbeit Macht Frei — that's what the protesters have to understand," using the phrase that decorates the gates of Auschwitz.⁹⁹

In March 2012, the largest organisation for animal rights "Cutu Cutu" expressed protest against the capture and euthanasia of stray dogs with the following words: "Dogs are not Jews to send them to Auschwitz." After the scandal in the press, the organisation agreed to change the text to "the killing of animals is Auschwitz of a smaller scale." It seems that animal rights activists do not really understand the horror of the Holocaust.¹⁰⁰

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition	-5
×	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers	-5

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities	-5
×	Historical revisionism, Holocaust denial	-5
	Total for section 12	-20

13. Persecution of veterans and partisans of the anti-Hitler coalition and anti-fascists

Indicators

- Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascist.

No such facts were recorded by the monitoring in 2012.

- Restriction on human rights and anti-fascist organisations imposed by the authorities, bans to entry or exit imposed on anti-fascist by the authorities, inaction of the authorities.

No such facts were recorded by the monitoring in 2012.

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

No such facts were recorded by the monitoring in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
-	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists	0
-	Restrictions on human rights and anti-fascist organisations imposed by the authorities, bans to entry or exit imposed on anti-fascists by the authorities, inaction of the authorities	0
-	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists	0
	Total for section 13	0

14. International aspect

Indicators

- Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities.

Towards the end of the monitored period, Romania signed and ratified the International Convention on the Elimination of All Forms of Racial Discrimination (a reservation was made in 2003 establishing that Romania recognises the competence of the Committee on the Elimination of Racial Discrimination only when dealing with the appeals related to individual rather than collective rights), the Convention on Elimination of All forms of Discrimination against Women, the Framework Convention for the protection of National Minorities, the European Charter of Regional and Minority Languages, the Additional Protocol to the Convention on Cybercrime, which criminalises racist and xenophobic acts committed through ICT.¹⁰¹

- Accession to new international agreements, as well as resolutions of the United Nations and other informational organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period.

During the monitored period, Romania has not joined any new international treaties and resolutions of the UN or other international organisations to combat Nazism, racial discrimination, protection of minorities, etc.

- International statements and initiatives against discrimination, neo-Nazism and xenophobia made by the monitored countries and their leading politicians.

There were no international initiatives and statements on combating racism and discrimination from Romania during the period under review.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities	5

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period	0
–	International declarations and initiatives of the monitored countries and the leading politicians against discrimination, neo-Nazism and xenophobia	0
	Total for section 14	5

CONCLUSION

Consequences for the development of the country and society, based on the analysis of factors and the following aspects:

1. Human rights

- *Guarantees against any form of minority discrimination.*

Minorities in Romania are protected from discrimination through individual articles of the Constitution of the country, anti-racism law 107/2006, the anti-discrimination Government Decree 137/2000, the 2011 Education Act and the Criminal Code. An important tool in the protection of minority rights is the National Council for Combating Discrimination (NCCD) that was established in 2006 to quickly identify such issues. Since 2010, NCCD prepared legislative amendments to the Decree No. 137/2000 that were adopted by the Parliament in 2013. However, the country lacks a dedicated law on the protection of national minorities. Romania refuses to recognise the Balkan-Romance group as a minority, considering them Romanians, which contradicts the these people's identity.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.)*

Romania has signed all major international agreements on the protection of minority rights, but the authorities, particularly local ones, often violate the provisions of these documents, particularly in relation to the Roma minority — in education, employment, healthcare, housing, etc. In addition, there have been violations against the compactly residing ethnic Hungarian minority concerning their language rights.

- *Differences between the rights and freedoms of the titular nation and ethnic minorities.*

Such inequalities primarily concern the language rights of the Hungarian minority in Transylvania and the socio-economic rights of the Roma.

- *Legislation enshrining inequality of minorities.*

Decision of the Ministry of Labour and Social Protection adopted in February 2012 raises some questions. According to the decision, the right to receive social benefits is denied to those Romanians who are not registered for tax purposes, and possess a minimum amount of precious metals or other valuables. This ruling is implicitly directed against the Roma minority, which for the most part meets all these characteristics.

- *Rulemaking in protection of minorities.*

No such facts were recorded during the reporting period.

- *Freedom of speech violation.*

Romanian Constitution (Article 8, Article 30) guarantees freedom of speech and the press, and the government generally respects these rights in practice. However, there are legal prohibitions against “defamation of the country” as prescribed in the Constitution (Article 30, paragraph 7 and 8), which could potentially limit these rights. Therefore, although there are no legal restrictions on the freedom of press, frequent complaints of officials from the ruling party suggest that authorities may use certain sanctions, such as heavy fines for illegal restriction of this right.

- *Legislation and law enforcement practices concerning immigrants.*

Romania has a well developed immigration legislation, as well as various immigrant integration programmes. Number of immigrants in Romania is minimal compared with the number of Romanian labour migrants living abroad. Therefore, this problem is not significant for the country. However, there are complaints of harsh treatment of immigrants in the accommodation centres.

2. State of the society

- *Risk of violation or non-compliance with the acting laws aimed at protecting the rights of minorities; risk of discriminatory practices against minorities.*

Xenophobic attitudes are increasingly common in the Romanian society, although we cannot say that their level has reached a critical point. Currently, commitments of the authorities to improve the situation of minorities are contrasted with discrimination against Roma, Hungarians and non-Orthodox religious communities at the local and regional level, as well as glorification of the Antonescu pro-Nazi regime.

- *Identity — how manifestations of xenophobia and extremism affect the identity of minorities, as well as majority's identification of minorities (growth of social phobias).*

Anti-Roma, anti-Hungarian and anti-Semitic sentiments are widespread in the Romanian society. Minorities are increasingly “voting with their feet” — there are mass departures of Roma and Hungarians to other countries, which indicates their perception of the situation in the country as extremely hostile towards them.

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socio-economic development of the country)

- *Standard of living.*

According to the rating of standard of living composed by Legatum Institute, Romania is in 58th place, ranking last among the EU countries.¹⁰² Nevertheless, it cannot be said that the development of xenophobic tendencies was the cause for low living standards in the country.

- *Economic turmoil and instability.*

Romania's GDP grew by 0.6% in 2012. Its unemployment rate reaches 7%. General poverty of the population contributes to xenophobia against minorities, who are blamed for all the troubles. For example, the Roma are mainly accused of avoiding taxes, not contributing to production, but receiving social benefits. Meanwhile, Roma are the most discriminated group in the employment field.

- *Decline in production growth, emigration of the labour force.*

The rise of xenophobia in the Romanian society is, along with economic factors, one of the main motives for the emigration of the labour

force. The number of Hungarians in Romania fell by 200,000 people between 2002 and 2011 and made up more than 10% of the emigrated Romanian citizens abroad over the whole post-socialist period. However, Romanian Roma constituted for the majority of immigrants from Romania. In the monitored period, this became the main problem for the French and Italian authorities.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

Romania, which for a number of internal political reasons has insufficient political stability and a series of unresolved economic problems, may face another danger in the nearest future — xenophobia, pressures against minorities and, as a consequence, general increase in aggressiveness and intolerance in the country. The emergence of a new, more radical political party on the political scene in Romania, the Transylvanian Hungarian People's Party is the first signal of the further differentiation of the society, and the split is dangerously in the field of interethnic relations.

- *Impact of xenophobia and extremism in the country on the issues of external security, on relations with third countries and the internal security in the region as a whole.*

Due to growing xenophobia, Romania has seriously spoiled its relations with almost all its neighbours. Moldova is threatened by some politicians' claims to its lands. Ukraine (as well as Moldova) are displeased with the mass distribution of Romanian passports to their citizens. Romania's relations with Hungary are at their worst, with Hungary resorting to the same tactics as Romania in the east. Currently more than 200,000 Romanian Hungarians have already received the Hungarian citizenship. This confrontation between the two nationalist regimes risks further aggravation.

RECOMMENDATIONS

1. *General recommendations for the accession to international agreements and conventions.*

As a supplier of immigrants to the European labour market, Romania is recommended to join the International Convention for Migrants and Their Families. In addition it is essential to join the annual UN General Assembly Resolutions directed against the glorification of Nazism.

2. *General recommendations for adjustment to the legal framework.*

Romania currently lacks a specific law on the status and rights of national minorities, in which there is an urgent necessity. In addition, Romania needs to amend its immigration legislation to allow immigrants' children born in Romania obtain citizenship. Constitutional amendments on the regional status of the Hungarian language are no less important. Furthermore, it is necessary to cancel the social welfare regulations adopted in February 2012, which excludes the vast majority of Roma from social assistance.

3. *General recommendations for the executive bodies in the field of law enforcement and human rights.*

Romania should make efforts to break the negative trends related to the development of xenophobia and intolerance in its society. To do this Romania needs to take the following necessary steps:

— establish a state registration system of and hate crimes and incidents;

— clarify the statistics of these incidents, including the percentage of detection;

— introduce an application system for persons who identify themselves as ethnic minorities and are interested in the protection of the Framework Convention for the Protection of National Minorities and the European Charter for the Protection of Regional and Minority Languages;

— stop discriminatory practices against the Roma minority in education, by obligating the Department of Education to seek opportunities for the distribution of Roma children to the Romanian general schools in government-funded school buses; avoid segregation of Roma in this field; maintain the positive practice of school mediators;

— revise school textbooks to eliminate xenophobic attitudes towards religious minorities;

— eliminate discriminatory practices against minorities in employment; study the experience of the so-called positive discrimination, which is used in a number of EU countries;

— eliminate discriminatory practices towards minorities in health-care — develop a system of intermediaries to provide medical services amongst the Roma and develop a vaccination programme;

— ensure the political participation of national minorities at the central and local levels;

— actively apply criminal law against those who violate the anti-racist, anti-discrimination and anti-extremist norms.

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⁷³ <http://www.opensocietyfoundations.org/voices/homophobia-romanian-football-receives-red-card-european-union-court>

⁷⁴ http://www.ukrinform.ua/rus/news/v_ruminii_svyashchennika_ubili_pryamo_v_tserkvi_1428950

⁷⁵ <http://moldnews.md/rus/news/53110>

- ⁷⁶ <http://www.errc.org/cms/upload/file/romania-country-profile-2011-2012.pdf>
- ⁷⁷ <http://www.opensocietyfoundations.org/about/offices-foundations/soros-foundation-romania>
- ⁷⁸ <http://www.state.gov/j/drl/rls/irf/2012/eur/208358.htm>
- ⁷⁹ <http://www.unpo.org/article/14795#sthash.wkhlXrB.dpuf>
- ⁸⁰ <http://www.opensocietyfoundations.org/voices/open-society-foundations-and-world-bank-get-behind-education-roma>
- ⁸¹ <http://www.errc.org/cms/upload/file/romania-country-profile-2011-2012.pdf>
- ⁸² http://www.udmr.ro/uploads/pages/attachements/program_RO.pdf
- ⁸³ <http://moldnews.md/rus/news/47781>
- ⁸⁴ <http://antisemitism.org.il/article/70513/romanian-senator-hit-holocaust-charges>
- ⁸⁵ <http://antisemitism.org.il/article/73898/holocaust-denier-appointed-minister>
- ⁸⁶ http://grenada.md/post/david_schwartz_protiv_1_dekabrea_v_ka4estve_prazdnika#
- ⁸⁷ http://www.historia.ro/exclusiv_web/general/articol/dictatura-lui-antonescu-cine-e-recalcitrant-e-tradator
- ⁸⁸ <http://antisemitism.org.il/article/71662/holocaust-center-romania-protests-poetry-book>
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- ⁹⁵ <http://www.state.gov/j/drl/rls/irf/2012/eur/208358.htm>
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- ⁹⁷ Michael Shafir, Polls and Anti-Semitism in Post-Communist Romania, in: Journal for the Study of Anti-Semitism, Bd. 4 (2012), H. 2, S. 387-422, hier 411.
- ⁹⁸ <http://pan.md/news/Ruminskiy-professor-otritsaet-Holokost-v-Ruminii/33523>
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SUMMARY OF INDICATORS FOR 2012

No.	INDICATORS	SCORE
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-10
2	Xenophobia and inflammatory statements by members of the authorities and media	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	17.5
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	2.5
5	Activities aimed at promoting tolerance and preventing extremism	5
6	Status of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	5
7	Incitement of religious and ethnic hatred	-10
8	Radical nationalist groups and parties	-22.5
9	Extremist and radical nationalist public actions	-10
10	Racist attacks, violence and terror	-10
11	Presence, popularity and size of anti-fascist and anti-racist movements	12.5
12	Glorification of German National Socialism and collaborators of Nazi Germany	-20
13	Persecution of veterans and partisans of the anti-Hitler coalition	0
14	International aspects	5
	Total	-40

RUSSIA

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (federal, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

Indicators

- Discriminatory legislation affecting minorities residing in Russia in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

As of the end of 2012, there was no federal legislation that discriminated against minorities in Russia. Nevertheless, several similar laws were passed at the regional level.

Thus, in February 2012, the Kostroma Regional Duma passed amendments to the regional Law “On Guarantees of the Rights of the Child in Kostroma Region,” which provided for liability for promoting the ideology of religious sects among minors. Administrative penalties of up to 5,000 rubles for citizens, up to 50,000 rubles for officials, and up to 100,000 rubles for legal entities are prescribed for violating this article.

Thus, an important point to remember is that the law gives no precise definition of the term “religious sect,” and there is no such definition* in federal legislation, which gives reason for abusive acts.

In August, amendments to the Law “On Freedom of Conscience” were passed in Tatarstan, allowing only by those Russian citizens who received a theological education in Russia or in religious educational establishments giving diplomas accepted in Russia are allowed to take holy orders. Passage of the amendments was caused by the threat of Wahhabism. Nevertheless, considering the fact that the Russian Fed-

* At the federal level, the word “sect” was used in the regulatory acts of Russian Federation executive bodies (Ministry of Internal Affairs, FSB, Ministry of Health, Ministry of Education and others) — *editor’s note*.

eration is a secular country and religion is separated from the state, however justifiable the legislator's motivation, the actions appear to be incorrect from the point of view of church and state relations.

There was a strong public reaction in Russia and an outcry in the world community to a series of regional laws against the promotion of homosexuality among minors, and passage of the corresponding federal law at first reading by the State Duma in December 2012.*

This refers to the new Article 6.21 of the Code of Administrative Offences of the Russian Federation, which provides for administrative responsibility for “non-traditional sexual relations.”

There is no concept of either “traditional” or “non-traditional” sexual relations in the Law. Nevertheless, the legislator refers to the decisions of courts of general jurisdiction, the Supreme Court of the Russian Federation and the Constitutional Court of the Russian Federation.

As Elena Mizulina, the author of this draft law and a deputy from the Just Russia faction, claimed later in her speech in the State Duma on this draft law, “the courts assume that in the traditional understanding received from our ancestors, traditional sexual relations are relations between a man and a woman, in other words, relations that ensure continuous alternation of generations and are a condition for preserving and developing the multinational population of Russia.”¹ Therefore, sexual relations that do not involve relationships between a man and a woman, according to the legislator, are non-traditional.

By promotion of non-traditional sexual relations, the law means the “distribution of information aimed at creating non-traditional sexual mindsets in minors, promoting the attractiveness of non-traditional sexual relations, warped concepts of the social equivalence of traditional and non-traditional sexual relations, or imposing information on non-traditional sexual relations arousing interest in such relations.”²

Considering that the Russian legislation prohibits promotion of any sexual relations among children in principle, including traditional ones, experts see neither any infringements of the rights of the LGBT community, nor any violation of the rights of children in this Article.

The Declaration on Social Non-Conformity of Traditional and Non-Traditional Sexual Relations it contains corresponds to the Code on Marriage and the Family of the Russian Federation prohibiting same-sex marriages and adoption of children that corresponds to the traditional perception of family relations in Russia.

The law does not touch on any opportunities for healthcare workers, including opportunities for child psychiatrists and psychologists, to carry out educational practices among children who have non-traditional sexual orientation.

* This Law was finally passed and came into force in 2013 — *editor's note.*

At the same time, the law in its existing wording remains vague (there is no clear directive in regard to what “information distribution” means, the term “imposing information” is not defined, etc.), which means it creates possibilities for abusive acts in law enforcement practice.

Russian human rights activists, including Mikhail Fedotov, the head of the Human Rights Council (HRC) under the President of the Russian Federation, and Vladimir Lukin, the Human Rights Commissioner, also warn about it. They were supported by the St. Petersburg Ombudsman, Alexander Shishlov, and the Samara Region Ombudsman, Irina Skupova.

Nevertheless, in 2012, similar regional laws were passed in St. Petersburg, Novosibirsk, Kostroma Region, Arkhangelsk Region, Ryazan Region, Samara Region, Magadan Region and Krasnodar Territory.

As the polls showed, the law has indisputable backing of the majority of the Russian population³ due to the widespread Orthodox and Islamic traditions of the vast majority of its citizens.

It contradicts the traditions of Western Civilization and the position of the leaders of a number of European countries. While European countries are experiencing a trend toward equal legal rights for representatives of traditional and non-traditional orientations (in France, heated discussions of a recently passed law legalizing “marriages for everyone” are still going on), in Russia, the reverse trend is observed. This introduces a certain tension between EU countries and Russia, where governments are forced to consider the opinion of their voters.

Thus, it can be stated that in 2012 in Russia there were only scattered facts of the passage of discriminatory legislation concerning non-traditional religions at the level of Federal entities (Kostroma Region, Republic of Tatarstan).

- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

There is no the legislation in Russia that limits the electoral rights of the country’s residents on these grounds.

- Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.

There is no legislation of this kind in Russia.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health-care, worship, etc.

In 2012, in Tatarstan some Russian-speaking parents repeatedly protested against the practice they consider forced instruction of their

children in the Tatar language at school. In their opinion, the principle of voluntary participation is thereby violated.

The year 2012 saw increased actions in law enforcement authorities against persons, who, in their opinion, were breaking the new regional legislation prohibiting the promotion of homosexuality among minors, and concerning “sectarians.” During this period, the media most frequently reported on discriminatory practices in this area and much less frequently about discrimination against migrant workers.

In fact, as human rights activists have warned, the new “anti-gay” and “anti-sectarian” legislation opened the door to abusive acts by executive authorities.

Thus, in March, the Pervomaysky District Court in Krasnodar denied the registration of the Pride House public organization in Sochi, whose purpose was to fight homophobia in sports and promote the idea of tolerance towards the LGBT community during the forthcoming Winter Olympic Games in this city. The court considered the creation of positive attitudes to the LGBT athletes to be a violation of public morals and even found “signs of extremism” in this organization’s activities in the form of possible subversion of Russian Federation sovereignty “through depopulation.”

During the year, local authorities in Archangelsk repeatedly prohibited picketing “for the purpose of informing and drawing the attention of society to the social problems of homosexual children and teenagers” and took to court gay activists who picketed individually against the regional law directed against the promotion of the non-traditional sexual relations among minors.

In June, the police in Novosibirsk interfered with the full-scale LGBT film festival “Side by Side.”

On September 25, the Russian delegation at the Conference of Ministers for Youth Affairs of the Council of Europe in St. Petersburg refused to sign the forum’s declaration because it mentioned human rights for members of sexual minorities. They declared that sexual minorities in Russia were not suffering from any discrimination.

At least twice in 2012, the Supreme Court of Russia stated in its decisions that “prohibiting the promotion of homosexuality” does not interfere with exercising the right to hold public events in the form provided for by law, including open public debates about the social status of sexual minorities. However, local authorities in certain regions of the country have ignored this decision.

In the religious sphere, the adherents of Protestantism, in particular Jehovah’s Witnesses, suffer from pressure of local and law enforcement authorities. They have prohibited Jehovah’s Witnesses from distributing their Awake! and Watchtower magazines in Russia, and restricted access to their Internet site Jehovah’s Witnesses in Russia. The police

sometimes break into their offices and inspect documents or make searches and confiscate religious literature. Sometimes they are fined for “unauthorized public worship.” During the year these incidents occurred in Chita, Alaty, Yelabuga, Taganrog, Novocheboksarsk, Alme-tyevsk, Snezhinsk, Buguruslan, Buzuluk, Orenburg, Orsk, Yasny, Ufa, Voronezh, Peschany settlement (Kalmykia), Spassk-Dalny, Artyom, Cheboksary, Kanash, Chelyabinsk, Ishim, Birobidzhan, Akhtubinsk, Yurga, and Tambov. There were even some cases of putting the adherents of this doctrine on trial for “extremism.”

On October 22, human rights activists had to appeal to the Chief State Prosecutor Yury Chayka, to protect the constitutional right to religious liberty and equality of religious associations before the law and to drop criminal charges against the Taganrog Jehovah’s Witnesses. Only in isolated cases local courts were against the prosecution of Jehovah’s Witnesses.

On February 13, in Samara Region, the prosecutor’s office lodged a claim against the religious organization Church of Evangelical Baptist Christians of Christ the Savior. The prosecutor’s office disliked the fact that its observance had the words that “the Church acts in virtue of the *Scripture*, this Observance, according to the Constitution of the Russian Federation, to the applicable laws of the Russian Federation and international law.” In the opinion of the prosecutor’s office, “the Scriptures or other religious literature cannot be the basis for the religious organization’s activities” and “contradicts legislative requirements.”⁴

On December 19, 2011, at the request of the prosecutor’s office, the Khabarovsk Regional Court prohibited the activities of the local religious association Christians of the “Blagodot” (Gratia) Evangelical Faith Church of Khabarovsk. In February 2012, this ruling was overturned by the Supreme Court of the Russian Federation.⁵

In Kurgan Region, the local Health Department blamed the heads of the local Churches of Evangelical Baptist Christians for “hidden influence on citizens’ minds,” and doctors were advised to avoid contacts with them.⁶ The prosecution of “sectarians” was also registered in Kemerovo Region.

In Bashkiria, there was an attempt to prohibit a number of Protestant organizations (Pentecostals, Evangelical Baptist Christians, Seventh-Day Adventists) on the pretext of their allegedly “extremist nature.” It was stopped by the Prosecutor General’s Office of the Russian Federation.⁷

There were some cases of demolition of Protestant churches (on September 6 in metropolitan area Novokosino, and on September 20 in Okulovskiy District of Novgorod Region).

In August, in the city of Fokino in Primorsky Territory, the police tried to break up the Fresh Wind Youth Festival of Christian song organized by Protestants.⁸

In April, the mayor of Nikolayevsk-on-Amur, P. Volynsky (a Protestant), became a subject of criticism, and was charged with having ties with “totalitarian sects.”⁹ In June, the administration of Vladivostok tried to deprive the Baptists of a prayer house given to the community as far back as 1976.¹⁰

In July, American students arriving in Samara, who were parishioners of the Church of Evangelical Baptist Christians (EBC), were deprived of temporary registration.¹¹

In Moscow, some books of Scientologist Ron Hubbard¹² were considered extremist, and in May some Scientology books were included in the Federal List of extremist materials. However, the Republic of Tatarstan, for example, found nothing extremist in these books.¹³

At Kemerovo Regional Art College, the management pressured a student evangelist, forcing him to leave the “sect” or leave the college; and at Moscow Medical College, a young woman was denied entry because she was a Seventh-Day Adventist. In this case, the district court did not support her.

In response to the pressure, pastors and ministers of Protestant churches of Kamchatka Territory were forced to appeal to the governor and the prosecutor of Kamchatka Territory, the Minister of Justice of the Russian Federation and the chief of the Kamchatka justice department to express their extreme concern over the increasing number of cases where worshippers’ rights had been violated by government representatives, a negative image of Protestant churches was presented in the media, and religious discord was being stirred up in society and regular schools.¹⁴ Then, in March, during the elections for mayor of Tolgliatti, Samara Region, Evangelical Baptist Christians opposed the large-scale smear campaign incited against them, which was stirring up discord between Orthodox Christians and Baptists.

In a number of regions, local authorities use the federal Law “On Gatherings, Meetings, Street Processions, Demonstrations and Picketing” to prohibit public worship or celebration of religious holidays. The first case was registered in Maykop against a Protestant pastor, and in Moscow near Novokosino; the second one took place in Maloyaroslavets and in Primorye where they tried to prohibit Muslims from celebrating Eid al-Fitr.

On March 1, an interview with A. Dvorkin, the Chairman of the Advisory Council for the state theological examination under the Ministry of Justice of the Russian Federation, was published. In this interview, he called Russian Krishnaites “agents of Indian influence” and accused them of committing “a number of criminal acts implicating practically all of the Krishnaite leadership.”¹⁵ On September 15, police officers and Cossacks headed by Mayor A. Pakhomov dispersed a meeting of Krishnaites in Sochi.¹⁶

In some regions, Muslims suffer from discrimination. In Krasnoyarsk at the beginning of the year, there was an attempt to prohibit activities of the Sunday school at the city's Cathedral Mosque and the imams' conversion courses, but it was prevented by the Central District Court of Krasnoyarsk.

In Ulyanovsk and Veliky Novgorod, the authorities refused to provide the local Muslim community with a room for a mosque or land for its construction for years. There were similar cases in Biysk and Yuzhno-Sakhalinsk in 2012.¹⁷ Construction of mosques is also obstructed in the eastern regions of Stavropol Territory with reference to countermeasures against "repression of the Slavic population by Caucasian newcomers." In Novokuznetsk, activists from the "Russian Patriotic Club" opposed the construction of a third mosque within the city limits, believing that it would give to the Muslim population an advantage over Christians and lead to the creation of "a Tajik-Islamic enclave."

The construction of a mosque in Moscow's Mitino District was also opposed by its residents, including the deputies of the local municipal government. All of them were afraid of an influx of people with "other culture and other values." Actually, it continued the protests that had already taken place against earlier construction plans for mosques in a number of Moscow districts. After a mass unauthorized meeting, which took place on September 19, the capital authorities withdrew from this project.

The case in Mitino led to an explosion of Islamophobia and migrantophobia not only in this area, and Russian nationalists took an active part in it. However, the problem remained, because the more than one million Muslims living in Moscow have only four large mosques. Muslims planned to build mosques in Butovo and Lyublino Districts, and in December, they allegedly agreed these plans with the Moscow Government. However, in February 2013, Mayor Sobyanin declared that there would be no construction of new mosques in Moscow. The issue of mosque construction in Moscow Region will not be solved for years.

At the same time, with the agreement of the Patriarch's Office of Moscow, a decision was made to construct 200 more Orthodox churches in the capital, which many Muslims in Moscow consider to be a manifestation of the selective attitude of city authorities to Moscow residents, based on their religious affiliation.

This approach is not prevalent everywhere in the country, but has a strictly regional nature. For example, in Kostroma, the court obliged the city administration to issue a permit to Muslims for construction of a mosque.

Wearing Muslim clothing became another problem in 2012. In one of the medical institutions of Makhachkala, some women were

refused employment because they were wearing hijabs, although in Russia there is no legislation, as there is in France, that prohibits wearing certain types of religious clothing in public places. In a school in Nizhnevartovsk, girls in hijabs have not been allowed to attend since January.

The hijab issue became especially acute in October, when school-girls were prohibited from wearing hijabs in the village Kara-Tyube of Neftekumsky District of Stavropol Territory. It caused a widespread public reaction and even President Vladimir Putin had to speak out on it; he referred in this case to the need to preserve the secular nature of school and suggested introducing a unified school uniform to avoid restricting various groups by any differences. After some noisy debates, the authorities of Stavropol Territory, contrary to the requests of the muftiat, introduced a unified school uniform for all pupils in December and strictly prohibited the wearing any religious symbols at school. The same was done by the authorities of Astrakhan Region.

In turn, the administration of Tyumen State Oil and Gas University prohibited Muslims from public worship on university property on the pretext that Muslim prayers by Muslim students “alarmed other students.” Thus, the prohibition was explained by the need to observe the bylaws of public educational institutions.

Repeated attribution of the sacred books of various religions to the category of “extremist literature” is a special problem. In June, 65 Muslim books were included in the Federal list of extremist materials, which led to condemnation from the Council of Muftis of Russia. The consolidated efforts of leading Russian scientists against attempts to condemn the sacred Hindu book “Bhagavad-Gita as It Is” as “extremist,” which took place in Tomsk, became a dramatic example of the dubiousness of this practice. As a result, there was a proposal to create a theological examination supervisory working group under The Public Chamber of the Russian Federation.

A sociological poll in September confirmed the presence of discriminatory practices against various non-Orthodox religions (All-Russian Public Opinion Research Center).¹⁸ It became clear that 16% of the followers of these religions had experienced restriction of their right to religious freedom, 6% had faced lack of acceptance from members of other religions, 2% mentioned pressure from the state, 1% recalled vandalism in churches and 1% felt pressure from the media. Among atheists, 8% felt pressure, and 3% complained of interference from the state. Among Orthodox believers, 8% of the respondents felt pressure, with vandalism in churches in first place (2%).

Thus, in 2012 discriminatory practices in education (nominally), violation of the rights of sexual minorities and members of separate religions occurred in Russian regions.

PRESENCE OF CRITERIA	INDICATORS	SCORE
-/×	Discriminatory legislation affecting minorities residing in Russia in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-2.5
-	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin	0
-	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication	0
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-5
	Total for section 1	-7.5

2. Xenophobia and hate speeches of public authorities and mass media

In 2012, xenophobic and hate speeches, although rare, still came from public authorities at every level and from journalists. The most alarming statements probably belong to D. Rogozin, the former leader of the Congress of Russian Communities and the Rodina party, and now the Deputy Prime Minister of the Government of the Russian Federation. In January, in response to Vladimir Putin's pre-election arguments, he called Russians "the largest divided people of Europe" and declared the need "to motivate Russians to national reunion." He also claimed that Putin in his article on the "ethnic issue" "made widespread discussion of the 'Russian issue' possible at a highly intellectual level." Rogozin did not refrain from accusing liberals of Russophobia and use of "repressive Article 282" of the Criminal Code of the Russian Federation, which specifies responsibility for extremism.¹⁹

The well-known deputy secretary of United Russia A. Isayev, speaking out against opposition, took the liberty of using anti-Semitic insinuations.²⁰ He was supported by the nationalist writer A. Prokhanov, who has advanced the opinion that Jews prevail in the opposition and in Putin's immediate circle, and that they allegedly act to the detriment

of Russians.²¹ V. Milonov also made similar statements.²² A member of Balakovo District administration of Saratov Region also approvingly quoted Goebbels and characterized democracy and liberalism as a “product of the Masonic-Jewish conspiratorial policy.”²³

The founding congress of the movement created by the CPRF Rusky Lad (Russian Harmony) movement was held in December. At the congress, the heads of the CPRF expressed typical nationalist speculations about Russia as an “occupied country,” where allegedly there is a fight going on to “destroy Russian civilization” and “cleanse the territory of the indigenous population.”²⁴

In 2012, some deputies of the State Duma spoke in support of the Russian March, whereas a number of journalists, priests and bloggers were openly engaged in anti-Caucasian propaganda.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Xenophobia and inflammatory statements of the authorities and the media	-5
	Total for section 2	-5

3. Legislation and law enforcement practice interfering with the development of radical nationalism

Indicators

- The presence of anti-Nazi, anti-racist and anti-extremist legislation, and legislation directed against inciting national and religious discord in the country.

The preamble of the Constitution of the Russian Federation says that a multinational population lives in Russia. The Constitution guarantees the equality of peoples in Russia.

Article 13 (5) of the Constitution says that the “creation and activities of public associations whose aims and actions are aimed at forced change of the fundamental principles of the constitutional system and at violating the integrity of the Russian Federation, at undermining its security, at setting up armed units, and at *instigating social, racial, national and religious discord*” are prohibited.²⁵

Article 19 (2) of the Fundamental Law stipulates that “the State shall guarantee the equality of rights and freedoms of a person and citizen, regardless of sex, race, nationality, language, origin, property and official status, place of residence, religion, convictions, membership in

public associations, and also of other circumstances.” All forms of restrictions of human rights on social, racial, national, linguistic or religious grounds shall be banned.”

Article 28 of the Constitution guarantees everyone freedom of speech and conscience, including the right to profess any religion individually or collectively or not to profess any, and also “to freely choose, possess and disseminate religious and other views and act according to them.”

Article 148 of the Criminal Code of the Russian Federation provides responsibility for violation of Freedom of Conscience and Religion, and Article 282 provides responsibility for incitement of hatred and humiliation of human dignity on grounds of sex, race, nationality, language, origin, religious beliefs, as well as belonging to any social group. Responsibility under this Article has also become more severe in recent years.

In 1996, the Law “On National Cultural Autonomy,” which “determines the legal basis for national and cultural autonomy in the Russian Federation, creates legal conditions of interaction between the state and society for protection of the national interests of Russian Federation citizens in the process of selecting the ways and forms of national and cultural development” was adopted.²⁶

In 2002, the Law “On Counteraction of Extremist Activities,” directed against “excitation of racial, national or religious discord” including.²⁷

In 2012, legislative activity of this kind was mostly connected with harmonizing interethnic relationships, and attempts to prevent any kind of extremist actions, in particular, by blocking extremist websites.

On April 2, the previous president of the Russian Federation, Dmitry Medvedev, signed the Federal Law “On Amending Article 22.1 of the Federal Law ‘On the State Registration of Legal Entities and Individual Entrepreneurs’ ” and Articles 331 and 351.1 of the Labour Code of the Russian Federation which banned persons convicted of or subject to criminal prosecution for crimes of an extremist nature from working with children (in education, upbringing, development of minors, organizing their rest and improving health, medical support, social protection and social services in sports, culture and art for children and young people with the participation of minors) and registration as individual entrepreneurs for those who intend to do business in these areas.

In turn, on May 7 after his inauguration, President of the Russian Federation Vladimir Putin signed the Decree “On Providing International Concord” which gave instructions, first, to form a Council for International Relations under the President of the Russian Federation, second, to develop and approve a Strategy for the National State Policy of the Russian Federation, third, to develop a comprehensive set of

measures aimed at improving the work of public authorities of the Russian Federation on preventing international conflicts, including the creation of effective mechanisms for settling them and carrying out regular monitoring of the state of international relations. Among the tasks of the Council, Putin specified “strengthening Russia as a unique world civilization, strengthening civil unity of the multinational population of Russia, harmonization of international relations and prevention of interethnic conflicts, and ensuring successful integration and adaptation of external and internal migrants.” This also involves counteracting all kinds of radical nationalism and separatism.²⁸

At the Government’s suggestion, the State Duma made changes and amendments to the Code of Administrative Offences and the Federal Law “On Counteraction of Extremist Activities.” A provision was passed stating that the use of Nazi or similar attributes and symbols was allowed in scientific research and encyclopedia articles, and in audiovisual and printed materials that do not contain signs of propaganda and (or) a justification of Nazism and fascism. Sharing hyperlinks to these materials on the Internet was included in the concept of “mass distribution of extremist materials.” There were stiff penalties for distribution of extremist materials and calls for terrorist activities. There was also a draft law on inadmissibility of rehabilitating Nazism and glorifying Nazi criminals. In addition, a draft law limiting participation of citizens suspected of involvement in terrorism or extremist activities in religious associations was introduced in the State Duma.

In December, the President signed the Decree “On the Strategy for the National State Policy of the Russian Federation to 2025,” in which corruption in regulatory bodies, xenophobia, interethnic intolerance, ethnic and religious extremism, terrorism, and a high level of inequality in the social sphere and wealth among citizens and regions, were called negative factors in national relations.

- Presence and improvement of anti-discriminatory legislation.

The work on developing anti-discriminatory legislation has only just begun in Russia.

For example, in 2003, a definition of discrimination appeared (Article 136) in the Criminal Code of the Russian Federation as a “violation of the equality of rights and freedoms of a person and citizen, regardless of sex, race, nationality, language, origin, property and official status, place of residence, religion, convictions, membership in public associations, and also of other circumstances.” Articles that prohibit discrimination can be found in the Labour Code, the Tax Code and some other Federal Laws.

At the same time, according to experts, this legislation needs further elaboration and development,²⁹ as the concept of “discrimination”

can be found only in the Criminal Code of the Russian Federation and is articulated not through its specific forms, but by its identification with violation of the rights, freedoms and legitimate interests of citizens. Meanwhile, the message of international legal acts is that violation of rights and freedoms may be one of the aims or consequences, but not a form of discrimination.³⁰

The legislator also does not explain what must be included in the term “violation of rights” in this context, does not mention the forms of discrimination, the distinctions between direct and indirect discrimination, or about a prohibition against discrimination from individuals or public authorities, or discrimination on the basis of nationality. A number of important legislative documents do not contain any prohibitions against discrimination at all.

- Compliance with anti-Nazi, anti-racist and anti-extremist legislation by the authorities (central, regional, municipal), law enforcement and judiciary, as well as their compliance with legislation directed against incitement of ethnic and religious hate.

In pursuance of the Decree of the President of the Russian Federation, a Council for International Relations under the President of the Russian Federation was established on June 7, the main objectives of which were to examine the conceptual bases, the purposes and aims of the national state policy of the Russian Federation, determine the methods, forms and stages of its implementation, discuss the practice of implementing national state policy of the Russian Federation; prepare proposals for the President of the Russian Federation for determining the priority goals of the national state policy of the Russian Federation; promote the interaction of federal government bodies, public authorities of constituent entities of the Russian Federation, local government bodies, public associations, and scientific and other organizations associated with international relations. Council meeting must be held at least once every six months. As envisioned by the authorities, the Council should become a platform for professional discussion, development of comprehensive strategic decisions on national policy, as well as a feedback tool between national associations and diasporas to provide an opportunity to share alarm information from the field and to prevent possible conflicts.

In addition, the Council must serve as a tool for developing international, interconfessional and interethnic dialogues for consolidating society around a principled stand against acceptance of any manifestations of separatism, national and religious extremism and radicalism. Vladimir Putin called for active integration of migrants, and protection of their rights and freedoms.

At the beginning of October, a working group under the Presidential Council on International Relations prepared the first version of the

national policy strategy to 2025. It proposes to fight against promoting extremist ideas in social networks, in particular, with the assistance of Internet service providers. The punishment and extent of responsibility for leaders at all levels for actions (or failure to act), that provoke interethnic conflicts shall appear in Russian legislation. To prevent interethnic tension, it was proposed to create a social-state monitoring system. Educational literature will be examined for correct statement of the interethnic topic. Creating an incentive system to promote civil unity in mass media was also proposed. State, municipal and private mass media must start tracking provocative interethnic materials. Finally, it is proposed to charge employers for illegal migration, and in case of geographical distribution of labor migrants, consider the interests of the “indigenous population.”

In December, a Committee on Conflictology was created within the Council, which is intended to assist the heads of regions in preventing interethnic conflicts.

At the same time, the desire to have representatives of the most diverse public forces in the Council has led to its amorphous structure, because it included both liberals and Russian nationalists, which will almost certainly make consolidated decisions complicated and make the Council an ineffective body.

In the autumn, it was decided that the Ministry of Communications together with the Federal Agency for the Press and Mass Communications and a number of state media would be involved in preventing interethnic conflicts and arranging an interreligious dialogue. Within this program, there are plans to organize information and training seminars for journalists that will touch preventing conflicts on ethnic grounds and developing an interethnic and interreligious dialogue.

During the year, federal bodies and authorities of certain regions signed agreements on maintaining a stable interethnic situation and prevention of ethnic and religious conflicts. School computers were also equipped with restrictive filters in order to block access to extremist sites. Meetings of committees and working groups on countering extremism and establishing good interethnic and interconfessional relations were held in a number of regions. Particular attention was paid to the need for introducing control over Internet sites so that extremist information (war and nationalism propaganda, fomenting of national and religious enmity) was not permitted for propagation. In some places, for example, in Nizhny Novgorod Region, terrorism and extremism prevention programs started operating.

The administration of the Russian Federation Ministry of the Interior took additional measures to prevent acts of vandalism against religious sites regardless of confession. Regional internal affairs divisions were given instructions to patrol closer to religious sites. Patrolling of

cemeteries was introduced in Nizhny Novgorod as early as 2011, which drastically reduced the number of acts of vandalism.

Human Rights Commissioner Vladimir Lukin interceded for religious rights on several occasions. After he lodged a complaint, the Constitutional Court adopted a regulation which released believers from the obligation to inform authorities about conducting services outside houses of worship. In a number of situations, courts lifted strict measures against Jehovah's Witnesses and unjustified refusals of local authorities to allow gay activists to hold public events.

Thus, the aforementioned legislation was observed in the Russian Federation in 2012, and positive law enforcement practice in this sphere is obvious.

- Hate crime control (criminal cases against organizers and participants, guilty verdicts).

According to the monitoring data of the international human rights movement World Without Nazism, 290 individuals were convicted of xenophobic hate crimes in 2012. Among them, 66 were fined, 9 were sentenced to supervised probation, 52 to compulsory community service and corrective labor, 34 to a suspended sentence, 3 to a term of imprisonment up to one year, 2 to a ten-day detention, 2 to a detention period up to 15 days, 44 to a term of imprisonment from 1 to 5 years, 37 to a term of imprisonment from 5 to 10 years, 11 to a term of imprisonment from 10 to 15 years, 8 to a term of imprisonment from 15 to 20 years, 4 to a term of imprisonment from 20 to 25 years and 4 to a life sentence. Four of these individuals were sent for court-ordered treatment. Educational measures were taken with respect to one of them. Six were given judicial warnings. Four were exempt from punishment due to expiry of the statute of limitations. The case against one person was dismissed due to criminal insanity. The verdict for one convicted party is still unknown.³¹

During the same period in 2011, 414 individuals were convicted, and 574 in 2010. However, judging by the increase in the xenophobic hate crime rate in 2012, this "decrease" is temporary, and we will see an increase in the number of accused in 2013.

Also conspicuous is the fact that sentences became stricter in comparison with 2011: in 2012 more of the accused were sentenced to imprisonment.

Cases of assault and homicide, applying xenophobic graffiti, publication of extremist information on the Internet, distribution of Wahhabist texts, and selling products with Nazi symbols were tried in the courts. A recent trend is arraignment for Russophobic statements, as well as detention of Islamists who are suspected of terrorist activity. As a rule, these cases deal with the activities of the Islamic organization

Hizb ut-Tahrir, which is considered to be an extremist group. Cases of homicide of imams have also appeared in recent years.

The court banned the extremist organization Northern Brotherhood and activities of the international neo-Nazi movement Blood & Honour in Russia.

The Federal List of Extremist Materials, which the court adjudicated upon, has grown from 1,073 to 1,588 items; i.e. it has increased by nearly one-third. This implies that the courts are pay more attention to it rather than an increase in extremism and xenophobic propaganda. For example, whereas previously the emphasis was on websites, investigators are now taking notice of books as well. In particular, in 2012, xenophobic works of a number of notorious Russian nationalist activists were included in the Federal List; one of them was already serving a long term for organizing a terrorist act. However, the majority of additions to the Federal List are related to Islamic literature. At the same time, according to experts, the Federal List is composed randomly and is ineffective.

Prosecutor's offices also worked actively in this regard. In 2012, numerous cases of formal participation in anti-extremist and anti-terrorist activities in violation of federal laws were disclosed. For example, during the first five months of 2012, the prosecutor's office of Yamalo-Nenets Autonomous Area uncovered 480 violations in enforcement of law on federal security, interethnic relations, extremism and terrorism prevention; and during the same period, more than 170 violations of this legislation were uncovered in Sverdlovsk Region.³²

- Wrongful enforcement of the anti-extremist law.

In the recent years, the increase in cases of wrongful enforcement of the anti-extremist law has become problematic. In 2012, the staff of E centers (Centers for Prevention of Extremism established in 2008) in a number of regions repeatedly carried out inspections of human rights activists, anti-fascists, anarchists, environmentalists, Jehovah's Witnesses, political opposition, particularly members of the Left Front, and even animal rights advocates while searching for extremist activities.

In Samara, anti-fascists were detained for campaigning against the Russian March.³³ In Nizhny Novgorod, they were charged with the intention to "overthrow existing authority."³⁴ There was a case where an anti-fascist was detained for the distribution of anti-fascist leaflets with a crossed-out swastika, allegedly on the grounds of "the production of Nazi symbols aimed at Nazi propaganda."³⁵

In Kaliningrad, at the request of the governor, court proceedings against collectors of Nazi attributes who had been inspected by the E center lasted for several months. As a result, several hundred objects originating from Nazi Germany, including symbols of the Wehrmacht

and Hitler Youth, were confiscated. Furthermore, in addition to symbols of the Third Reich, police also confiscated rare objects from World War I, and even some from 19th century Prussia. The local court dismissed the case due to lack of evidence.³⁶

In spring 2012, there was a scandalous event in Chelyabinsk, where the police department demanded that municipal schools submit lists of students “from the Caucasus” along with their addresses and data on their parents.³⁷

With reference to the ban on homophobic propaganda among minors, police repeatedly obstructed gay pickets against infringement of sexual minority rights and prevented LGBT activists with their symbols from participating in public events (demonstrations, rallies).

In a number of cases, police interrupted church services, and even the Human Rights Commissioner in the Russian Federation Vladimir Lukin had to lodge a complaint with the Constitutional Court of the Russian Federation concerning the discrepancy between Clause 5 Article 16 of the Federal Law “On Freedom of Conscience and Religious Associations” and the Constitution of the Russian Federation. He showed that giving church services the status of rallies, marches and demonstrations violates the freedom of conscience and religion guaranteed by Articles 28, 29 and 31 of the Constitution of the Russian Federation.³⁸

Another cause for concern is a new tendency to arraign individuals for criticizing the activities of Russian Orthodox priests. In Karelia, the head of the local Youth Human Rights group M. Efimov, who spoke out against the clericalization of society, was persecuted for “extremism.”³⁹ Another case was an inspection carried out by the Moscow Prosecutor’s Office in a search for signs of extremism after the Silver Rain radio station presented Patriarch Kirill of Moscow with the Silver Shoe award for the “immaculate disappearance of the watch” (the award is presented for the most dubious achievements in show business). It alluded to an image of the Primate of the Russian Orthodox Church retouched in Photoshop that was published on the Patriarchate website: this photo did not contain the expensive watch which had been present in an earlier photo and had triggered a scandal.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-Nazi, anti-racist and anti-extremism legislation, legislation against incitement ethnic and religious hatred in the country	5
- / ×	Presence of anti-discrimination legislation	2.5

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Compliance of the authorities (central regional, municipal), the law enforcement and judiciary, with anti-Nazi, anti-racist and anti-extremist legislation. Compliance with anti-discriminatory legislation and legislation directed against the incitement of ethnic and religious hatred	5
×	Counter-actions against hate crimes (criminal cases against organisers and participants, convictions)	5
×	Unlawful use of anti-Nazi, anti-discrimination and anti-extremist legislation	-5
	Total for section 3	12.5

4. Statements of public officials, representatives of the party in power, and high-profile politicians against xenophobia and radical nationalism

In 2012, prominent politicians, high-ranking officials and others repeatedly spoke out against xenophobia and radical nationalism.

During his presidency, while visiting the Ministry of the Interior's Central Directorate for Moscow Region on January 30, Dmitry Medvedev called for depriving educational institutions where cases of extremist propaganda had been recorded of accreditation. At an extended meeting of the Federal Security Service Board, he called for "suppressing possible provocative acts of extremists of all kinds" and emphasized the need to stop extremist propaganda in the information sphere. He also said that controlling extremism was one of the main focus areas for the renewed police.

This was later confirmed by Vladimir Putin, who became President of the Russian Federation after D. Medvedev.

During the election campaign, V. Putin issued an article in which he stated that one of the main conditions for the very existence of the Russian Federation was civil and international concord.⁴⁰ He emphasized that "attempts at propagating the idea of a Russian "national" monoethnic state contradict all of our millennial history. Furthermore, it is the shortest route to destroying the Russian people and Russian identity." He also called attention to the direct relation between unsolved social

and economic problems, faults of law enforcement, ineffectiveness of authorities, corruption and ethnic conflicts. He emphasized the need to “integrate migrants,” but at the same time, by omitting the essence of the issue, he repeated the nationalist (racist, per se) motto by saying that migrants should “be respectful of local customs.” On the other hand, he justly rejected the demand of Russian nationalists to include provisions on Russians as nation builders in the Constitution. He also called for improvement of the Migration Policy and introduction of criminal liability for violation of migration rules and registration norms.

During the same period, while giving a speech at the South Russian Peoples’ Forum, V. Putin noted that the lessons of Russian history show that any international, interethnic and civil conflicts could be fatal, and that injustice and mutual enmity left deep wounds. He also stated that there was a connection between these destructive processes and abuse of power by officials and law enforcement bodies. He argued against repeal of Article 282 of the Criminal Code on penalties for fomenting hate and enmity, including those on the grounds of nationality.⁴¹ Furthermore, he suggested that religious organizations should participate in helping migrants to adapt. At a meeting with the clergy, he said that the “interests of newcomers should be protected while those of the indigen-ous population must be unconditionally ensured.”⁴² He also opposed the proposals made by some State Duma deputies and Russian nationalists for dissolution of ethnic republics and governization of the country.

Yury Chaika, Prosecutor General of the Russian Federation, expressed his determination to fight against extremism on the Internet, specifically, to limit access to extremist and terrorist sites. He also expressed his concern over Muslim youth going to study in Middle Eastern educational institutions, where they sometimes become members of extremist communities and from where they import extremist literature.⁴³ Viktor Basargin, Minister of Regional Development, called for drawing up a separate federal target program to develop a management hierarchy in international relations, and to introduce an institution of commissioners who would deal with these relations.⁴⁴ Vladimir Kolokoltsev, Minister of Internal Affairs, said that control of extremism should not turn into “religious persecution.” Sergey Morozov, Governor of Ulyanovsk Region, said that control of religious extremism should include “overcoming religious ignorance through education and explanations of the positive ideology of Islam.” He proposed reconstruction of the Islamic education system and publication of religious literature at a higher quality level.⁴⁵ Natalya Komarova, Governor of Khanty-Mansi Autonomous Area, also spoke about the role of good education of youth as the best “immunization against extremism.”⁴⁶

Some State Duma deputies and senators spoke about inappropriateness of holding a nationalist Russian March in Moscow, the capital

of a multiethnic and multireligious state. However, an opposing opinion that prohibiting the Russian March would supposedly mean discrimination against the Russian people was also expressed.⁴⁷

In the context of the terrorist act against Muslim religious figures in Kazan in July (please see below), Rustam Minnikhanov, President of the Republic of Tatarstan, promised that the strictest measures would be taken against individuals who promoted extremism in the republic and supported radical Islamists.⁴⁸ While visiting Tatarstan in connection with this atrocious crime, Mr. Putin once again emphasized the threat that radical nationalism and religious extremism presented to the unity of Russia.

During a speech to Human Rights Commissioners from various Russian regions, the President said it was necessary “to establish some coordinating body to take migration policy, which, in itself, is part of national policy, to the state level, develop an actual program, a state program, and clear program for this policy.”⁴⁹

In November, in a conversation with Berel Lazar, Chief Rabbi of Russia, Mr. Putin admitted that anti-Semitism was still present in Russia, although it existed only at the mundane level. In fact, there is no state anti-Semitism in Russia, and the anti-Semitism level is quite low in comparison with other phobias.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
	Total for section 4	5

5. Measures for increasing tolerance and preventing extremism

In the recent years, both federal and regional authorities has been establishing interdepartmental working groups and promoting a wide range of measures targeted at harmonizing interethnic relations and developing tolerance in youth.

This means holding representative conferences and round-table discussions in which participants talk about the strategy for these activities and target programs to increase tolerance financed by regional and municipal budgets, and publication of textbooks for a wide range of target audiences, including police. These programs include holding

folk festivals and other festivals where diasporas take part, school writing and children's drawing contests, contests for journalists, electives at universities dedicated to preventing extremism and xenophobia among youth, and sporting events. Days of Tolerance are held in some places. In Makhachkala, a new holiday, Day of Dagestan Peoples' Unity, was proclaimed and held for the first time.

In a number of regions, discussions of interethnic relations took place at meetings of government officials and activists for national and cultural autonomy.

In various regions, access to extremist sites is being blocked, or the possibility of this is being discussed. Some universities have established student cyber-squads.

Non-governmental organizations also participate in these activities, particularly the Civic Chamber of the Russian Federation. In 2012, the Russian Congress of Peoples of the Caucasus (RCPC) set up a meeting with students from the Caucasus where the prohibition of provocative behavior in higher educational institutions was discussed. In cooperation with Chechen and Ingush youth, the RCPC also arranged for distribution of pancakes on Moscow streets on February 23 in memory of the people deported during Stalin's regime. The Dozhd TV channel held a campaign called "The Day of Anti-Racism in Russian Football" dedicated to a broad public debate of the problem of racism at the stadiums. The Yabloko Party and the European Liberal Democrat and Reform Party held a joint conference where they articulated a liberal answer to challenges of modern xenophobia, particularly anti-Semitism. Senior clergy of the Russian Orthodox Church more frequently hold meetings with muftis, where they discuss measures against religious extremism and terrorism. Representatives of the Russian Orthodox Church and the muftiyat have repeatedly appealed for maintaining interethnic and interreligious peace.

Integration of the Holocaust topic into history lessons in high schools was a big step forward. Specialists had been trying to do this for many years. In a number of places in the North Caucasus, events in memory of Holocaust victims were held on September 8–9.

The Side By Side film festival, a social and cultural film forum advocating equal rights for the LGBT community, was held in April in Moscow and in October in St. Petersburg. These activists held campaigns in different cities in honor of the International Day against Homophobia and Transphobia in May.

At the same time, a frequent weakness of these activities is that even the organizers interpret such key notions as xenophobia, racism, tolerance and multiculturalism inadequately. In many cases, even experts doubt that the word "tolerance" can be applied in Russia. Inadequate understanding of the specific nature of this delicate issue some-

times leads to scandals; for example, one of them involved a Russian language textbook for migrant workers, which had been published within the framework of the “Tolerance” project (the image of migrants in the textbook was dubious).

In additions, numerous discussions and conferences are often not followed up by any practical activities. As a rule, actual aid to migrants is replaced with one-time festivals, Friendship Days and Lessons in Friendship. Also conspicuous is the fact that the problem is being turned into a security issue, where police measures are emphasized more than educational activities.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Activities aimed at promoting tolerance and preventing extremism	5
	Total for section 5	5

6. Status of migrants and The Status of migrants and society’s attitude towards immigrants, foreigners, different ethnic groups

Indicators

- Existence and improvement of migration legislation.

Clause 1 of Article 27 of the Constitution of the Russian Federation states that “everyone who is legally resident in the Russian Federation shall have the right to freedom of movement, choice of a place of stay or residence.” Clause 2 of the same Article specifies that “everyone may freely leave the Russian Federation. Citizens of the Russian Federation shall have the right to freely return to the Russian Federation.”

Along with the Constitution, migration legislation of the Russian Federation includes international agreements on visa-free travel with a number of countries worldwide, as well as federal laws.

Federal laws that regulate migration include:

— Federal Law No. 5242-1 of June 25, 1993 “On the Right of Citizens of the Russian Federation to Freedom of Movement, the Choice of a Place of Stay and Residence within the Russian Federation”;

— Federal Law No. 114-LF of August 15, 1996 “On the Procedure for Entering and Leaving the Russia Federation”;

— Federal Law No. 62-FL of May 31, 2002 “On Russian Federation Citizenship”;

— Federal Law No. 115-FL of July 25, 2002 “On the Legal Status of Foreign Citizens in the Russian Federation”;

— Federal Law No. 109-FL of July 18, 2006 “On Migration Registration of Foreign Citizens and Stateless Persons in the Russian Federation.”

The process of improving migration legislation started after Vladimir Putin assumed the office of the President of the Russian Federation in 2012. On May 7, he signed the decree “On Ensuring International Concord,” which stated that it was necessary to implement obligatory examinations on Russian language, Russian history, and the fundamentals of Russian Federation legislation for migrant workers, with the exception of skilled professionals, and to present drafts of statutes and regulations targeted at strengthening administrative and criminal liability for violation of migration legislation of the Russian Federation.

On June 13, he approved the State Migration Policy Concept of the Russian Federation to 2025.⁵⁰ It notes that the important elements of the State Migration Policy of the Russian Federation are bringing migrants into the country with the purpose of replenishing the population and workforce, developing innovative potential and promoting migrant adaptation and integration, protecting their rights and freedoms, and providing social protection. Stabilizing and increasing the resident population, as well as assistance in meeting the manpower requirements in economy, and modernization, innovative development and competitive growth of the economy and its sectors were declared to be the aims of the Migration Policy.

It was pointed out that “any kind of discrimination was inadmissible,” although nothing was said about adopting special-purpose anti-discrimination legislation. The need to “build cross-cultural communication skills, control xenophobia and ethnic and racial intolerance among migrants and host communities” was also emphasized.

The Federal Migration Service worked out the implementation plan for the Concept. In August, the plan of the first Concept implementation stage was reviewed and approved by the Russian government. A number of measures directed at streamlining migration was passed by the State Duma in October and signed by the President in November. One of them was the Federal Law “On Amending the Federal Law ‘On Citizenship of the Russian Federation.’” The law was aimed at “regulating the legal status of certain groups of persons who have lived in the Russian Federation for a long period of time.” It refers to the former citizens of the USSR and their children who do not have any foreign citizenship and who wish to become citizens of Russia. In addition, the Federal Law “On the Legal Status of Foreign Citizens in the Russian Federation” and the Law “On Education” were also amended. Now, in order to obtain a work permit or extend its term in the Russian Federation, migrant

workers are required to submit a state Russian language examination certificate confirming at least a basic level of language proficiency.

In December, the State Duma passed bills that toughened the punishment for illegal migration, i.e., increased fines and prison terms, and temporary prohibition of re-entry into Russia (up to three years) was also introduced. It specifically applied to persons who had been charged with crimes or offences in Russia.

In 2012, the migration registration rule was cancelled in Russia, under which a foreigner legally residing in the Russian Federation had to register in the Federal Migration Service agencies and inform the authorities of his departure.

- Compliance of the authorities with this legislation (law enforcement practice).

Meanwhile, law enforcement practice is still very contradictory. In a number of regions, there have been attempts to involve national and cultural autonomies in solving migrant problems. However, this involvement is not interpreted clearly. For example, in response to an inquiry from the Ministry of the Interior, the leaders of the Azerbaijani and Tajik Diasporas in St. Petersburg expressed their wish to control areas *densely populated* by their compatriots. Thus, a very dubious collective responsibility concept with regard to a particular nationality is being implemented, along with ghettoization of immigrants. In other cases, in response to the appeals of the President of the Russian Federation to protect the interests of the indigenous population, quotas for migrant workers have been reduced, which, in fact, stimulates illegal migration and the increased corruption related to it, since the actual demand for a semi-skilled workforce significantly exceeds the artificially fixed quotas.

A new tendency appeared at the beginning of December when entry to Novy Urengoy, the gas capital of Yamalo-Nenets Autonomous Area, was closed. Now, immigrants are allowed to enter the city only if they have a permit from their employer or an invitation from relatives. The deputy head of the city administration, Andrey Martynov, stated that “the city has become quieter” since the pass control was introduced. V. Putin supported this initiative and explained that it was necessary because of “migration flows that were hard to manage and the necessity to control drug trafficking.” During a press conference on December 20, the President said that he considered it possible to limit movements of citizens within the Russian Federation provided that federal laws were not violated. In this case, he saw no violation of the laws.⁵¹ However, experts believe that this action established a precedent which would make it possible to restrict the freedom of movement of Russian citizens.

- Discriminatory practices against immigrants.

Since large-scale recruitment of migrant workers from neighboring countries to Russia started, cases of discrimination in registration, movement, business, employment, education, accommodation, health care, etc. are being recorded there. Discrimination against migrant workers caused by both inadequate migration legislation and the infringement of laws by employers, as well as by a xenophobic public attitude, has taken place in many regions and in many contexts but has rarely been covered in mass media.

In some cases, migrant workers were severely exploited, underpaid, or not paid at all. Discrimination can be found in renting, where “Russians” and “Slavs” are preferable. Migrant workers are scrutinized by police patrols in the streets.

As opposed to Western and Central Europe, only a small number of migrants seek permanent residence in Russia. The overwhelming majority of them are temporary workers and entrepreneurs who come here for a brief period of time (up to several months). They do not have problems with “integration” or Russian language proficiency, knowledge of Russian history, etc., related to it. At the same time, the requirement for “command of the Russian language” introduced in 2012 is an indirect discrimination mechanism, since it creates a barrier for migrants who would like to have a temporary low-skilled job (for example, in construction) which does not require regular communication with the indigenous population.

During the year, there were several scandalous incidents involving the schooling of migrant children. For example, in Chelyabinsk, local law enforcement agencies ordered some schools to submit lists of “students from the Caucasus (with name, patronymic, surname, date of birth, residential address, grade in school, data on parents or legal guardians) who study in your educational establishment and have Russian Federation citizenship and students who do not have Russian Federation citizenship.” In this way, the police allegedly gathered data for the prevention of juvenile offences. Another incident happened in Ekaterinburg, where an official from the Department of Education suggested that all residents registered temporarily should take their children who were ready to enter first grade back to “where they belong” to study, i.e., back to their permanent places of residence.

During the celebrations on May 9, the Moscow police prevented a Tajik from entering Red Square, saying that “today the square is for Russians only.”⁵²

In October, some members of the Civic Chamber of the Russian Federation suggested an initiative for establishing ghettos for migrants.⁵³

- Use of the “ethnic crime” theme in order to discriminate against immigrants.

In recent years the “ethnic crime” issue has been escalating, which creates an environment of enmity against migrants, making it difficult for them to adapt well. In some cases, the authorities make attempts to isolate migrants from the local population, in other cases they seek to involve national and cultural communities in controlling their compatriots, and sometimes they try to form “public guards” in addition to police in order to control migrants.

One of these incidents happened in Krasnodar Territory, where Governor A. Tkachev declared that Russians allegedly feel uncomfortable in neighboring Stavropol Territory because of migrants from the Caucasus, and called for the creation of Cossack guards to defend the Territory from North Caucasus migrants, whom he promised to “force out.”⁵⁴ This announcement was met with severe criticism, not only from several high-ranking officials who were native of the North Caucasus themselves, but also from members of the Civic Chamber of the Russian Federation and the Governor of Stavropol Territory governor. All of them considered these words to be a violation of the Constitution of the Russian Federation. Some of them perceived Tkachev’s initiative as provoking interethnic conflict. Nevertheless, on September 1, Cossack patrols armed with whips started patrolling, and the majority of residents of Krasnodar Territory (64%) supported the action. However, the Cossack community also became polarized, since many of them did not approve of the initiative.

For several years now, the “ethnic crime” issue has given some journalists the opportunity to draw apocalyptic images to frighten the Russian population and cause anxiety. Specialists of the Office of the Prosecutor General of the Russian Federation and human rights activists have repeatedly shown that the high number of “ethnic crimes” provided by the Ministry of the Interior bodies is just impossible.⁵⁵ Nevertheless, the situation is not improving.

In 2012, the Moscow City Council suggested that mentioning the nationality of a criminal in the media should be forbidden. And while even President Putin supported this suggestion, the public frightened by journalists’ images of “ethnic crime” was opposed to it. This factor is being used by Russian radical nationalists for their own benefit, since they actively promote the idea that migrants allegedly commit the majority of crimes in “Russian cities.” In this context, the racist accusation of “an inclination for crime” of some peoples is also used.

Unfortunately, these arguments, in one form or another, are made by the authorities, deputies of the State Duma, officials of different ranks and even some experts (conflictologists, sociologists).⁵⁶

In a number of cases, it makes local authorities resort to unjustified measures against foreigners. For example, the mayor of Orenburg demanded that foreign students be evicted from a dormitory located near a children's camp, saying that African students may rape children.⁵⁷

- Social aid for immigrants.

The Law “On the Legal Status of Foreign Citizens” regulates general provisions on providing medical and social aid for a foreign citizen during their stay in the Russian Federation. According to this law and Clause 3 of the “Provision On Ensuring the Material, Medical and Housing Security for Foreign Citizens and Stateless Persons during Their Stay in the Russian Federation” approved by the Government, it is the host country which assumes most of the responsibility for providing foreigners with various kinds of medical and social aid. However, if a foreign citizen enters into an employment contract in Russia or a commercial contract for performing work (providing services), then he or she has certain rights and duties of an employee, including the following rights: a workplace that meets the conditions stipulated by the Labor Code of the Russian Federation and state standards for labor organization and occupational safety; guaranteed payment; full and credible information about working conditions and workplace safety and health standards; compensation for damage resulting from performance of duties; provision of personal and collective protective equipment for employees at the employer's expense; annual paid leave; health insurance and services; and living conditions which meet the requirements of sanitary regulations.

In order to take advantage of medical aid (apart from emergency care, which is provided for free) a foreigner must have an obligatory medical insurance policy.

Nevertheless, it must be admitted that the Russian legislative framework concerning social aid for migrants is poorly developed. Russia still has very little experience in this area.

In 2012, in St. Petersburg and a number of other cities, programs to assist migrants in adapting to the local environment, particularly Russian language courses started functioning.

The Russian Orthodox Church (ROC) also provides assistance to migrants. During a meeting of the Russian President with the members of the Bishop's Council, Bishop Feofilakt of Smolensk and Vyazma proposed the development of an integration program for migrants. “During the meeting, I brought up the issue of interethnic relations. I suggested establishment of a state integration program for migrants, which would include spiritual and moral education, with the participation of Orthodox clergy and Muslim clergy who belong to the branches of Islam traditional for Russia,” he said.⁵⁸

In 2012, the ROC, together with the Moldovan Orthodox Church, opened the Center for Social Adaptation of Migrants in Moscow targeted at Moldovan citizens who came to Russia to work. The Center plans to provide legal aid to newcomers and assistance in all legal issues and preparing the document package that is required to legally stay and work as a migrant worker in Russia. Similar initiatives were also taken in some regions where church officials concluded cooperation agreements with local departments of the Migration Service for adaptation of migrant workers. Diocesan Russian language courses started in some places.⁵⁹

- Negative attitude of the community towards immigrants, foreigners, various ethnic groups.

Russia's entry into the second decade of the 21st century was marked by an unusually high level of migrant- and Caucasus-phobic sentiments, with the greatest intensity in Moscow and St. Petersburg.

According to opinion polls conducted in 2011–2012, one-third of the residents of these cities had a negative attitude towards people from the Caucasus; and one-fourth, towards people from Central Asia. Among the peoples of the Caucasus, the most hostile attitude was towards Chechens.⁶⁰ About half of Moscow residents who were Internet users, believed that migrants caused more harm than good. In central regions of Russia, more than half of the respondents (50–60%) would not like to live near people from the South or North Caucasus. However, in Krasnodar Territory, people were more kindly disposed towards them (negative sentiments were expressed by 27–34% of the respondents), due to the fact that they have long-term neighbor relationships with the people of the Caucasus. More than half of the respondents would not like to live near people from Central and Southeast Asia. Two-thirds of the residents of Russia (67%) regarded migrants cautiously and warily.⁶¹

Russian youth harbored especially xenophobic sentiments. For example, in Tomsk Region one-third of the youth admitted that they disliked people of other nationalities.⁶² An opinion poll in Primorye showed that two-thirds of high-school students believed that “it was hard to have a good attitude towards certain nations and peoples.”⁶³

In 2012, there was increase in the number of people who thought that the entry of migrants into Moscow or into the country altogether should be restricted or that a visa regime should be introduced for Central Asian countries.⁶⁴ It is ironic that the majority of the respondents agreed that Russia needed migrant workers, but only semi-skilled ones. Contrary to the statements of the Russian leaders, many people thought there was no need to bring in foreign skilled professionals. Sixty-four percent of the respondents were in favor of deporting illegal migrants (six years ago, the figure was 10% lower).⁶⁵

According to other surveys conducted in 2012, up to 50% of the residents of Russia were in favor of prohibiting migration altogether, including migration within Russia. The popular opinion among the opponents of migration was that migrants worsened working conditions for “the indigenous population” (they take jobs, lower salary) and that Russia should be “for Russians only.” The respondents also stressed the “ethnic crime” factor, with every third person disagreeing with the suggestion that journalists should stop mentioning the nationality of criminals. Every fourth person believed that some nationalities were especially “prone to crime,” in particular, persons from the Caucasus, followed by people from Central Asia.⁶⁶ More than 70% of the respondents shared the opinion that immigrants increased crime levels.⁶⁷

More than half of the respondents could not reconcile with some cultural differences (evidence of “cultural racism”), while 70% of the residents of Moscow and 76% of the residents of St. Petersburg were convinced about the harmful habits of migrants. Half of the respondents did not want their children to study together with migrants’ children.⁶⁸

At the same time, negative sentiments are not limited to migrants. In 2012, more than one-third of the residents of Russia thought that multiethnicity does more harm than good. Moreover, a significant number of the respondents (36% in the country and 63% in Moscow) dreamt of privileges for people of “the indigenous nationality.”⁶⁹ More than one-third (37%) of the respondents felt hostility coming from people of another nationality.⁷⁰ People from the North Caucasus aroused special anger: many thought that too many budget resources were directed there at the expense of other regions. However, the nationalist demand to separate the North Caucasus from Russia was shared by only a small number of respondents (1%).⁷¹

This contradiction between the comparatively high popularity of nationalist slogans and minimal percentage of those who agree to violation of the country’s territorial integrity means that the idea of a Russian national state in the Russian Federation is impossible to realize by means of a civilized referendum on the partition of the country. Therefore, if nationalists hypothetically come to power, there will be a new civil war in Russia between nationalists in the center and those of the outlying districts.

It is obvious that people in outlying ethnic areas who are used to being equals among equals will not agree to living in a Russian national state as guests and will wish to implement a similar project on their own territory. It is no coincidence that even today branches of the terrorist organization *Imarat Kavkaz* (the Caucasus Emirate) exist in virtually every Muslim region of the country, including Tatarstan and Bashkiria.

However, in 2012, about half of the respondents supported the slogan “Russia for Russians” (11%) or believed that Russians should be privileged (35%). Only 34% thought that all nationalities should enjoy the same rights, and 18% stressed that it was important to ensure personal rights, and not ethnic group rights. Forty-one percent of the residents of Moscow and St. Petersburg spoke of the need to give Russian people privileges. It is noteworthy that non-Russian people were more kindly disposed towards migrants than Russians. At the same time, only a small number of the respondents (5%) approved of skinhead violence.⁷²

About half of the population of Russia was annoyed by sexual minorities, and more than half (from 52% to 81%, according to different surveys) considered this sexual behavior to be intolerable. Every fifth person found it permissible to bring criminal proceedings against them.⁷³ Even fewer residents of Russia supported the activities of religious sects.

Judging from the surveys, increased religiosity became a new factor in escalating tensions among the population in 2012. A significant majority (up to 15%) felt aversion to non-Orthodox religions, especially Islam: 32% of the respondents thought that Islam had played a negative part in the Russian history, 39% believed that “it was still playing it.”⁷⁴ More than half (53%) of the respondents considered it intolerable to display one’s religion in general education schools (in Moscow and St. Petersburg, the figure reaches 76%).⁷⁵ Despite the fact that only a few Orthodox Christians and other believers (up to 10%) had been confronted with works of art which offended their religious feelings, the respondents were very emotional over this factor in 2012. Forty-one percent of the respondents thought that the Orthodox believers should retaliate when their religious feelings were offended, and 45% believed that the state should interfere in conflicts and controversial situations which affected the religious feelings of believers.⁷⁶

However, the migrant-phobia rate in 2012 did not exceed the figure of previous years, starting from the middle of the first decade of the century. There are no indications that it is growing.

However, in recent years new phobias connected with religion and sexual minorities, appeared. These phobias are visible, first and foremost, in Moscow and St. Petersburg, and primarily concern youth. Furthermore, xenophobia is more characteristic of Russian and Orthodox populations than of non-Russian people and members of other religions. The xenophobia rate is a bit lower in places where various ethnic groups have co-existed for a long time.

It is also remarkable that when speaking of interethnic tensions the respondents generally mean other regions, but not their own region. In other words, a significant part in blowing up phobias is played by media, since the personal social experience of many Russian residents

differs from the information coming from journalists. Moreover, the myth about “ethnic crime” owes its popularity to some conflictologists, lawyers, and personnel of law enforcement agencies who manipulate criminal statistics.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence and improvement of immigration laws	5
×	Authorities’ compliance with such legislation (law enforcement practice)	5
×	Discriminatory practices against immigrants	-5
×	Use of the “ethnic crime” theme in order to discriminate against immigrants	-5
×	Social assistance for immigrants	2.5
×	Negative attitude of the society towards immigrants, foreigners, various ethnic groups	-5
	Total for section 6	-2.5

7. Incitement of religious and ethnic hatred

Indicators

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

The main factors in the high interethnic tension rate in recent years are *migrant-phobic sentiments*, which are the result of globalization, as well as the mass exodus from less-prosperous republics of the former USSR due to interethnic conflicts and the brutal economic crisis that affected all the CIS countries at the beginning of the 1990s. Residents of large Russian cities who were used to limited movements of the population during the Soviet period cannot get accustomed to the rapidly changing ethnocultural environment in their places of residence.

Migrant-phobic sentiments of the electorate are often used for political purposes by individual politicians who repeat them from the rostrum and, thereby raise the level of xenophobia. Some “experts,” writers and journalists are doing the same. The media reproduce myths about the inability of migrants to adapt and integrate, about them re-

placing the local population, changes in “the ethnocultural portrait” of some regions, about “the threshold of tolerance,” about large amounts of financial resources being taken abroad, about migrants being responsible for the shortage of places in outpatient clinics and kindergartens, about the allegedly immensely high rate of “ethnic crime,” etc. Migrants from Central Asia are also accused of supplying drugs to Russia.

At the same time, Russian nationalists are inclined to blame the authorities for artificially stimulating migration, ostensibly in order to “replace the Russian population.” Even official TV channels sometimes present information in this way. At times, journalists involve Russian nationalists known for their racist views in commenting on migration issues.

Another target is people from the Caucasus, against whom the media have been waging an undeclared war for a long time. Today, a popular anti-Caucasus argument is that the North Caucasus lives a supposedly “parasitical” life at the expense of resources wrung from the rest of Russia. Russian nationalists immediately blow up any domestic quarrel between people of different ethnic origins to fit their image of “the conflict of civilizations,” declare “the incompatibility of cultures” and blame people from the Caucasus for seeking to rule over Russians. Russian nationalists’ hatred of people from the Caucasus is reaching the point where they suspect athletes from the North Caucasus who earn medals for Russia of “fraud” and calling on people to cheer for Russians regardless of the color of the flag.⁷⁷

The third issue being discussed is related to Jews and their allegedly “subversive activities.” At the same time, the media, especially those under control of Russian nationalists reproduce the myth about Jews having been the driving force of the Revolution of 1917, who had supposedly established their twenty-year “rule” in Russia. Some allege that the same is happening in modern Russia. Anti-Semitic passages sometimes even infiltrate official TV channels. For example, during a broadcast of Patriarch Kirill’s visit to Poland and the relics of Gavriil of Belostok, who had been canonized on the grounds of the “blood libel” of Jews, the TV program Vesti (All-Russia State Television and Radio Broadcasting Company) presented information which actually reproduced the very “blood libel.”⁷⁸ At the same time, today, anti-Semitism serves as some kind of archetype for constructing all possible phobias, which actively use the set of tools, including the terminology that had been elaborated by this prejudice.

At the same time, as was mentioned above, the anti-Semitism rate in Russian in itself has decreased significantly in recent years. There is no state anti-Semitism in the country.

In 2012, Russian nationalists obtained their own media resource for the first time on the opposition Internet-based SOTV channel, where the Tor Show program created by National Democrat V. Kralin had been broadcast since February. In November, NTV launched a new program

“Wasserman’s Reaction,” one of the co-anchors of which was nationalist E. Kholmogorov. According to Mr. Kralin, it was “a major breakthrough in legalizing the topic of Russian nationalism in the public conscience.”

Nationalists actively use such popular websites as VKontakte, LiveJournal, Facebook, etc. in order to harass anti-fascists and promote their misanthropic ideas.

The most popular data portals among right-wing radicals are “Right Wing News,” the “Right Wing News Agency (APN),” the “Russian Information Agency (ARI),” “The Russian Observer,” “The Russian Platform,” “The Russian Imperial Movement,” “Veslova Sloboda,” RAC forum and some others. Audio and video materials with extremist content are often posted on the Internet pages of the social network VKontakte, and the struggle against extremism is perceived as “the struggle against the Russian people.”

Many web portals function in the Russian Federation not in compliance with the Russian legislation, but with the legislation of the country where their servers are situated, although the content, as well as the tone of these sites, are obviously targeted at Russian-speaking users. For example, the popular LiveJournal website (livejournal.com), which operates under the laws of the US state of California, is full of clearly xenophobic materials in its Russian-language part which are not subject to deletion, although they violate Russian Federation laws.

It is noteworthy that a much lower rate of anti-Semitism, for example, is recorded by surveys than the rate revealed when analyzing mass media materials. Thus, many people have a critical attitude towards information from journalists and are inclined to rely on their own life experience. In this regard, the most vulnerable audience is youth who do not have the necessary life experience, and therefore do not critically regard every word spoken by a journalist.

Once in a while, graffiti made by Russian radicals appear on the walls of houses in different cities. They are mostly images of swastikas or numeric symbols like 14/88;* sometimes slogans “Let’s give Russia back to Russians” and “Say ‘No’ to migrants” appear. In some cases, a swastika is drawn on the obelisks dedicated to the Soviet soldiers who defended the country from Nazism.

Owing to an increase in anti-church sentiments, acts of vandalism against Orthodox symbols became more frequent in 2012. On June 24, in Porosenkov Ravine near Ekaterinburg the memorial cross placed at the site where the remains of Aleksei and Maria, the children of Nicholas II of Russia, were found, was torn out and tossed into the bushes. A new trend of damaging Orthodox memorial crosses, which

* The current value of letters AG/HH of the Latin alphabet, that is traditionally treated by Neo-Nazis of the whole world as Adolf Hitler/Heil Hitler — *editor’s note*.

at first was connected with protests against the prosecution of the punk band Pussy Riot, as well as against the stand of Patriarch Kirill during the presidential election, when he openly supported V. Putin, started at the end of summer 2012. Messages that were offensive to Orthodox believers appeared on the walls of churches.

Attacks against the church were used by radical nationalists. In particular, they published the “List of Public Enemies of Orthodoxy” consisting of 203 surnames of cultural figures who had signed the letter in defense of Pussy Riot, in which they were called “Zionist Jews” and “Yids, enemies of Orthodoxy.”

Nevertheless, the overwhelming majority of Russians spoke in support of the church and condemned Pussy Riot’s action. According to the surveys, 46% of the respondents considered the campaign of a scandalous punk band as hooliganism, and 21% considered it as an act of sacrilege. It is remarkable that only 13% of the respondents saw it as a political protest.⁷⁹ In February, 7% of the respondents thought that these hooligans should not be punished, and only 10% were in favor of actual imprisonment. However, after a mass campaign organized by the media in the spring, people’s sentiments changed. In July, 39% of the respondents thought imprisonment was a just punishment, while 34% did not agree with it. Still, only 12% saw the girls’ actions as blasphemy.⁸⁰

In the context of this process, there was a surge of protests by the Orthodox public against art exhibitions and theatrical performances which the protesters considered “blasphemous.”

- Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.

During the last 10–12 years, publishing companies specializing in publishing racist and anti-Semitic literature have appeared in Russia. They reissue works of pre-revolutionary chauvinist authors, publish translations of Western racists and xenophobic works of contemporary Russian authors (see, e.g., Sutton A. *Wall Street and the Bolshevik Revolution*. M.: Russian Idea, 1998; Nazarov M. *To Live without the Fear of Jews!* M.: Russian Idea, 2006; Stogov D. I. *Black Hundred: Life And Death for Great Russia*. M.: Institute of Russian Civilization, Algoritm, 2012; Platonov O. A. *The War with the Enemy Within*. M.: Algoritm, 2012; Platonov O. A. *The Destruction of the Tsardom of Russia*. M.: Algoritm, 2012; Sevastyanov A. N. *The Battle of Civilizations. The Secret of Victory*. M.: Book World, 2013; Sevastyanov A. N. *The Case of Tikhonov-Khasis. Executioners and Victims*. M.: Book World, 2013. The following publishing houses: Eksmo, Yauza, Algoritm, Russkaya Pravda, FERI-V, Megagalaxy, Institute of Russian Civilization, Russian Idea, Book World).⁸¹

In recent years, they have regularly been advertising their products at book fairs. This tradition continues to exist even in 2012. In March,

publishing houses such as Algoritm, the Institute of Russian Civilization, Mitrakov and Russkaya Pravda, which specialize in xenophobic literature, among others, were represented during the 15th Books of Russia national trade fair. The same happened in September at the Moscow International Trade Fair where, in addition to the publishing houses mentioned above, the publisher Book World with similar orientation was also presented. Today, the primary aim of law enforcement bodies is the search for extremist materials on the Internet. That is why the literature released by the aforementioned publishing houses has been available on sale for years, but has rarely been put on the Federal List of Extremist Literature. For example, in 2012, the publisher Russian World released a Russian edition of one of the key works of global anti-Semitism, a book by H. S. Chamberlain “The Foundations of the Nineteenth Century,” which had been Hitler’s textbook. This literature is sometimes sold even at the bookstand of the State Duma of the Russian Federation.

On November 15, there was a presentation at the Moscow Book Center of a book written by a veteran of the national patriotic movement A. Sevastyanov “The Case of Tikhonov-Khasis. Executioners or Victims?”, in which he made an attempt to depict the nationalists charged with the murder of the lawyer S. Markelov and the journalist A. Baburova as innocent victims. A month earlier, this presentation was cancelled due to anti-fascists.

In 2012, the movie “The Horde” by A. Proshkin was shown successfully in Russian movie theaters. Meanwhile, a number of Muslim activists filed a claim with the Prosecutor General of the Russian Federation Yury Chayka, saying that this movie fomented hatred towards Tatars and Muslims. They demanded that the distribution and showing of the movie in Russia be stopped.

In the Valday Museum of Local Lore there is an exhibit dedicated to M. O. Menshikov, the first Russian racist journalist of the 20th century.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts	-5
	Total for section 7	-10

8. Ultra-nationalist groups and parties

Indicators

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).

Given the high percentage of voters who share nationalist views, especially in big cities of the country, a lot of political parties, including those not previously involved “on the nationalist side,” started resorting to xenophobic rhetoric.

The Communist Party of the Russian Federation (CPRF), in particular, has been flirting with Russian nationalism for a long time, in the hopes of winning Russian voters over to its side. For this purpose, in December 2012, in response to Mr. Putin’s creation of the All-Russia People’s Front, the party established an affiliated Russian Concord movement intended to unite national patriotic organizations. G. A. Zyuganov became the President of the High Council of the movement; V. S. Nikitin, State Duma deputy and head of the Central Audit Committee of the CPRF, who had conducted mass purges in the CPRF in recent years in order to remove orthodox “Marxist-Leninists,” became chairman of the Coordination Council. Like Russian radicals, Nikitin declared Russia “an occupied country.” He sees the party’s mission as “fighting for the liberation of the Russian people” from the “alien (Western) yoke” and preserving “Russian civilization.” Naturally, a crusade against “Russophobia” was also declared, although, it is not a national, but a “civilizational” idea that must unite all indigenous peoples of Russia with the “state-forming” Russian people at the center.⁸²

New Russian legislation on party construction, which simplified the procedure for the formation of political parties, created an opportunity for a drastic increase in their number, which Russian nationalists used to their advantage. In March 2012, the National Democratic Party (NDS) was formed from the Russian Public Movement (ROD) and the Russian Civil Union (RGS), and its founding congress was held in October in Moscow. Then the notorious racist V. Solovei formed the New Force party. The organizer of the Russians movement formed in May 2011, D. Demushkin (a former leader of the banned Neo-Nazi organization Slavic Union), founded the Nationalist Party. Branches of these parties started to appear in the regions as well. A regional nationalist organization, North Frontier, began to expand its network in northern regions. However, there are not enough nationalist activists in the regions for all the newly formed parties, which are short of staff. It is different with radical nationalist movements which are supported by local authorities. The list of such organizations includes the movement For

Faith, Kuban and Motherland formed in Krasnodar in June 2012 with the support of the current governor A. Tkachev and former governor N. Kondratenko.

The first Russian nationalist organization to be officially registered in the Ministry of Justice was the Russian All-People's Union (ROS) formed by Russian nationalist S. N. Baburin.

Nationalists attempted to enter various popular organizations, including those under the ruling party. On July 11, the ethnopolitical association Russians and the labor union Labor and Law (which is part of the Russian Union of Light, Woodworking and Food Industry Workers and is active in Moscow Region) signed a joint operation agreement. The nationalists themselves trumpeted it as "the first step toward "the 'nationalization' of unions," although the actual prospects of such cooperation are far from clear. Having gained access to a legal political framework, Russian radicals are attempting to follow new European right-wing activists by tempering their rhetoric and resorting to populist slogans in the hope of being elected to Parliament.

According to sociological surveys conducted in 2012, 7% of the respondents expressed their willingness to vote for "a new party which would defend the interests of Russians in Russia," with the percentage reaching 13% in Moscow.⁸³ In other words, such a party potentially could take second place after the dominant United Russia Party in elections.

In 2011, amid the protest movement, Russian nationalists became closer to liberal and left-wing parties, which needed unity in order to organize mass protests. These closer relations were arranged in 2012. In January, leaders of the non-systemic opposition established a coordination center for political movements and social groups, with several notorious ultra-radical activists as members of its operational bodies. Initially, the Citizens' Council was formed as part of it, with several radical right-wingers, along with left-wingers, liberals and social activists, as members. The liberals and left-wingers left the Citizens' Council in the spring, thus leaving it to the radicals. However, by autumn the idea of cooperation was revived, and the Coordination Council (CC), which presented itself as an alternative parliament, was formed.

The question of cooperation with nationalists led to a split in the liberal opposition camp. Thus, Moscow Memorial refused to be a member of the Citizens' Council and cooperate with people whom it considered to be fascists and racists. The greatest indignation was caused by the fact that the liberals agreed to grant a separate "curia," or a quota, to nationalists. In March, nationalists nearly had a falling-out because they were unable to distribute seats in the faction assigned to them. In September before the Coordination Council elections, they managed to form a united block for voting, although scandals still happened. The

most scandalous event was the nationalists' attempt to take N. Korolev to the Council while he was serving his sentence for organizing the Cherkizovsky Market terrorist act. When Korolev's registration was cancelled, a group of nationalists objected and called him "a fighter against the anti-Russian regime." Still, nationalists took far fewer seats in the CC than they originally expected. Only five nationalists became members of the CC only for their curias (i.e., they entered the faction with seats reserved for nationalists only), but they had already gained notoriety due to their xenophobic statements and actions.

Nationalists also do not have a unanimous opinion on the acceptability of interaction with liberals and left-wingers. Some well-known right-wing ideologists strongly object to it. The most detailed arguments were put forward by anti-Semite K. Dushenov, who is currently serving a sentence. He appealed to nationalists to support Vladimir Putin, since, according to him, opposition rallies were organized by Jews who sought to undermine the Russian State and the Orthodox Church. Therefore, he called for opposition to "motley liberal scum." The majority of extreme right youth do not favor coming together with the liberal opposition. Nevertheless, those radicals who have joined the CC believe their actions are justified, because it gives them a respectable platform for voicing their ideas. In fact, the process of social inclusion and even glamorization of nationalists started as a result of the cooperation between liberals and nationalists in 2012, since they were given a united opposition platform.

The rise of the nationalist movement is not limited to Russian organizations. In Ufa at the end of June, the Tatar youth association Azatlyk and the Bashkir movement Kuk Bure announced their unification and intention to form an all-Turkic organization for nationalist youth in order to "fight for the rights and interests of all Turkic and other non-Russian peoples." The organizers named nationalists of Chuvashia, Udmurtia, the Mari El Republic and Altai and the Sakha (Yakutia) Republic as their potential allies. They counter the Russian nationalists' slogan about the need to form a Russian national state with a slogan about forming Turkic national states in Tatarstan and Bashkortostan, which are subjects of the Russian Federation.⁸⁴

- Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.

The Russians movement was formed by the leaders of extreme right-wing movements which had been banned by the authorities or were marginal (Slavic Union, DPNI, Union of the Russian People, Memory, National Socialist Initiative, etc.), in order to strengthen their stand in the legal political space. The declared purpose of the movement was

“to establish the authority of a national government and to proclaim a Russian national state” to stop the “genocide” of the Russian people. The movement’s leaders are convinced that Russia must become “a Russian state” in which Russians will have the status of a “state-forming nation.”⁸⁵ The struggle “to take Lenin’s body from the Mausoleum” and recognition of the Bolshevik ideology as “misanthropic” were declared to be the objectives of the Nationalist Party, which had been formed on the basis of these ideas.⁸⁶ They also plan to support “Russian prisoners of conscience,” in fact, to support ultra-nationalists who have been imprisoned for their criminal activities (homicide and acts of terror). Strict measures against migrants and the North Caucasus, strict measures are planned: “the occupation of Russia by migrants and payment of tribute to the Caucasus will be stopped,” and “Russia will be freed from ethnic criminals.”

New Force stands for privileges for the Russian people, a review of privatization results (to keep most income in the regions), “elimination of the ‘mafia-like system’ developed in the Caucasus with the connivance of the Kremlin,” as well as an investigation of Putin’s activities. It is proposed to give the Russian people the status of “right-holder.” Another proposal is to implement the following measures to defend the interests of Russian working people: drastic toughening of migration legislation (“to introduce a visa regime for the countries producing and transporting drugs — Uzbekistan, Kyrgyzstan and Tajikistan”); toughening of the legal labor migration procedure; apprehension and deportation of illegal migrants (but first they should be placed in temporary migrant labor centers to use them as a workforce at the construction sites of socially significant projects). The institution of permanent registration will be removed for Russian citizens, with the exception of the North Caucasus, which will be granted the status of a “region with high terrorist activity.” There will be a special legal regime for people from there, which would include the issue of “domestic visas.” Property transactions conducted by people from the Caucasus for the last 10 years will be reviewed.⁸⁷ In other words, it means the establishment of an apartheid regime.

National democrats proclaim their objective to be the establishment of a “Russian national state,” in which all of the country’s resources belong to the Russian people. At the same time, they declare the formation of a democratic and just society with free development of Russians and other nations of Russia according to “abilities, not parentage and kinship.” They promise rights and freedoms to all Russian citizens and declare themselves to be opponents of authoritarianism and proponents of a republic. However, they also intend to review the results of the privatization which took place in the 1990s. They are also against “uncontrolled mass immigration” and plan to introduce a strict immi-

gration policy. They see the state as “a federation of equal lands,” in which regions have preferential rights to exploit their resources. At the same time, they demand the equality of “Russian regions” with “national republics,” and this federalism “must be for the benefit of the Russian people.”⁸⁸ It is not hard to notice that despite the democratic rhetoric, in the end, this program is full of obvious contradictions and pursues the same objectives as the two parties mentioned above.

However, public statements of party activists and the details of their participation in Russian politics in recent years reveal a lot more about the objectives of these parties. In order to prove the necessity of granting exclusive privileges to Russians, they have been trying for many years to force the myth about the oppressed state of Russians and even “the genocide against the Russian people” on the public. They associate all the misfortunes that Russia has been suffering, with migrants, both from the outside (Central Asia and the South Caucasus) and from the inside (the North Caucasus).

In 2012, one of them (K. Krylov) spoke about the oppressed state of Russians and the artificial pumping of money into the North Caucasus, as well as the persecution by the authorities of those Russians who dare to “defend themselves against people from the Caucasus.” He argued that all of Russia’s peoples, except for Russians, supposedly had some privileges, while business was occupied by “people from the Caucasus” and “Asians.”⁸⁹ Another activist (V. Kralin) spoke of “the Caucasus tribute” and called for a stop to feeding hangers-on in the North Caucasus and the creation of community defense volunteer squads comprised of Russians. He also threatened judges who allegedly sentenced Russian “brothers” to uncalled-for punishment.⁹⁰ Another activist (E. Kholmogorov) blustered about “the genocide” against Russians, both in Tajikistan and present-day Russia.⁹¹ One of the leaders of national democrats in St. Petersburg (A. Kuznetsov) speculated that there were two lists of crimes committed by migrants, secret and open, with the former being a lot bigger.⁹² Contrary to the content of the program of the “national democrats,” one of their leaders (Krylov) envisaged the future “Russian state” as monoethnic, which would be impossible without ethnic cleansing. Furthermore, while co-operating with liberals for tactical reasons, nationalist leaders (Krylov, Demushkin) regard them with suspicion, since for them liberals are “enemies of the Russian people.”

Anti-Semitism is also present. Patriots use the Black Hundreds version of history, according to which the Revolution of 1917 was allegedly carried out by Jews in order to take property from Russians; and during the Soviet period, power was supposedly held by “non-Russians.” Russian radicals insist that during the Soviet period, Russians were deliberately excluded from power and the arts (K. Krylov).⁹³

Russian radicals also promote myths about migrants, accusing them of all of Russia's misfortunes. For example, national democrat leaders in St. Petersburg sent the governor of the city, G. Poltavchenko, a statement in which they blamed migrants for intolerable criminal environment in the city and proposed that he significantly reduce quotas for migrant workers. It is noteworthy that the opinion of nationalists concerning the migration question is shared by the leader of the non-systemic opposition, A. Navalny, who once stated that he would not object to "a party à la Le Pen appearing in Russia." He also explained his participation in the "Russian March" by saying that he wanted to support moderate nationalists and that there was no way he would call "95% of the participants in the 'Russian March' neo-fascists."⁹⁴

Russian nationalists do not recognize the rights of sexual minorities and occasionally take part in attacks against their activists. This is why the Straight Alliance for LGBT Equality warned democrats against participating in political events in cooperation with extreme nationalists.

The essays written by nationalist radicals who wished to run for the opposition's Coordination Council were very indicative of the Russian nationalist radicals' stand. There were the usual demands for the release of "political prisoners" and for the abolition of Article 282 of the Criminal Code (which provides for liability for extremism), for the introduction of a visa regime for the countries of Central Asia and the South Caucasus, for the deportation of migrants, and for the introduction of an actual "pale of settlement" for people from the republics of Russia's North Caucasus.

Some dreamed of granting voting rights only to Russians and Orthodox Christians, others proposed laws to encourage births on the grounds of ethnicity, others intended to eliminate national subjects of the federation and to hold a large-scale "lustration" of persons "involved in crimes against the Russian people," still others demanded the dismissal of the Anti-Extremism Center, some favored the introduction of proportional representation based on nationality, and some fifth wanted to significantly restrict the activities and rights of migrants. Finally, some accused the Chechens of allegedly having special privileges which allow them to "terrorize the population" and still avoid justice.⁹⁵

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.

As was mentioned above, the nationalist movement in Russia was demarginalized in 2012, due to the active co-operation of nationalists with representatives of the left-wing and liberal non-parliamentary opposition. Nationalists were given the opposition platform, and members of various opposition camps participated in each other's activities and organized common protest actions.

At the same time, the relations of nationalists with left-wingers and liberals were accompanied by many scandals and mutual accusations. There were sharp disagreements over the desire of radicals to include their activists charged with xenophobic crimes (homicide, among others) in the list of political prisoners. It is worth noting that, after heated discussions, liberals recognized some convicts on the radicals' list as "political prisoners." First of all, this concerned the "case of D. Konstantinov," who had been charged with homicide, and liberals joined the demands for a review of the case, saying it was a frame-up. Disputes also broke out over tactics, since nationalists demanded radicalization of the protest movement (some even spoke of a revolution, or at least of a Russia-wide strike), and liberals wanted to stay within the law. In particular, using the Ukrainian experience as a basis, there was a proposal to establish a "maidan" in Moscow, a permanent "National Gathering" for defending their demands. One of the nationalists' constant demands is the abolition of Article 282 of the Criminal Code, which determines the punishment for "fomenting ethnic and religious discord."

While the arguments reached their peak in March and nationalists severed relations with the non-systemic opposition, after the mass protests in May they resumed the contacts because they could not call large masses of people to the streets on their own. In June, some nationalist leaders became members of the organizing committee for the March of Millions arranged by the opposition; and in August, the leader of the Russians movement, A. Potkin, supported democratic oppositionist E. Chirikova in the election for mayor of Khimki near Moscow.

In autumn, nationalists succeeded in their efforts to convince prominent representatives of the opposition liberal intelligentsia to sign a petition in defense of radical nationalists, both those who were already convicted and those who were on trial. This list contained the names of K. Dushenov (charged with producing and distributing an anti-Semitic movie *Russia With a Knife in Its Back*), A. Dzikovetsky, the editor of the Obninsk newspaper *Cossack View* (*Kazachy Vzglyad*) (convicted of publishing xenophobic articles), and A. Kutalo, a member of the Russian All-National Union (RONS) (who was under arrest for distributing extremist materials). Simultaneously, science fiction writers and some well-known liberals spoke in defense of K. Krylov, who had been put on trial for xenophobic statements during one of the opposition rallies.

During a meeting of the opposition Coordination Council, nationalist V. Kralin became a member of the staff preparing for the meeting on December 15 and of the budget committee' and his associate K. Krylov became a member of the editorial committee.

Nationalists, in fact, imposed a racist resolution for a new citizenship law on the Coordination Committee. I. Artemov, the president of the Russian All-National Union Council (RONS), claimed that amendments to the citizenship law would result in “uncontrolled migration to the Russian Federation” and promote “the displacement of Russian-speaking voters.”⁹⁶ Therefore, it was proposed that the State Duma be asked to introduce a simpler citizenship procedure just for “Russians and representatives of other indigenous peoples of the Russian Federation who do not have their own statehood outside the Russian Federation,” and to introduce a visa regime for Transcaucasian and Central Asian countries. The resolution passed, although not on first reading.

Although cooperation between nationalists and liberalists and left-wingers proved difficult to establish in Moscow, extreme right-wing movements (the Russian Imperial Movement, the National Socialist Initiative, the Slavic Union, etc.) in St. Petersburg did not leave the non-systemic opposition camp.

Nationalists participated in the Seliger summer camp; and D. Demushkin, a leader of the Russians movement, took part in the Mashuk All-Caucasus Youth Forum, the Caucasus counterpart of Seliger.

Nationalists also conducted a number of independent campaigns in the hopes of becoming more popular or respectable. In June, D. Demushkin attempted to become a member of the Human Rights Council under the President of the Russian Federation, but was rejected on the grounds that a person violating the law could not be a member of the Council, including persons who “call for overthrowing the authorities and establishing a so-called Russian order.” Then Demushkin unsuccessfully tried to run in the Kaliningrad mayoral elections. His campaign to form the organizing committee “For Removal Lenin!” in order to bury the body of the great leader of the world proletariat was more effective. Mikhail Nalimov, the leader of the Orthodox Youth Association, also became a member of the organizing committee.

Nationalists in Moscow unsuccessfully sought to name a nameless park in Lyublino District in honor of Spartak fan E. Sviridov, who had been killed in a fight with a man from the North Caucasus in December 2010 and whose death had resulted in unrest on Manezhnaya Square.

Nationalists in the provinces also strive to become respectable politicians. While A. Kolegov, the leader of the North Frontier movement, failed to become the deputy for Ezhvinsky District in the State Council of the Komi Republic, I. Mayorov, a nationalist from Saratov, became a candidate for the Fair (or Just) Russia party for the Saratov Regional Duma.

- Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.

Nationalists are present in some local legislative bodies, but they are few and have no real influence on these bodies.

- Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.

Given the high percentage of voters who share nationalist views, especially in big cities of the country, many political parties at the federal level, including those not previously involved “on the nationalist side,” started resorting to xenophobic rhetoric, often borrowing it from the programs of nationalist radicals.

In particular, the Communist Party of the Russian Federation (CPRF) having imposing group in State Duma has been flirting with Russian nationalism for a long time, in the hopes of winning Russian voters over to its side.

The State Duma deputy of the United Russia party faction Aleksey Zhuravlev, who is the head of the moderate nationalist organization Congress of Russian Communities, stated in the summer 2012 that his organization intended to create “a conflict map of Russia,” in order to patrol the most explosive spots with the help of armed “voluntary guards of interethnic concord.” He also spoke of forming certain “local regional headquarters for interethnic concord” with guards who, according to him, would “start imposing order.” However, this declaration apparently was not implemented in practice in 2012. It is noteworthy that Zhuravlev became a member of the Inter-Ethnic Relations Council under the President of the Russian Federation.

In autumn, he spoke as the leader of the nationalist party Motherland — Congress of Russian Communities. At the time he claimed that “irresponsible representatives of so-called ethnic minorities” were allegedly to blame for provoking interethnic conflicts; he also accused the police of a “lax” attitude towards “non-Russian” criminals and declared his willingness to introduce a bill to the State Duma until which the police would have the right to shoot to kill in such cases.

In December, the CPRF deputies introduced a bill in the State Duma which would restore the “nationality” (i.e., ethnicity) section in passports, although it would be optional. The initiative was supported by A. Zhuravlev, as well as A. Belov (Potkin), the leader of the Russians movement.

In 2012, R. Chuychenko, who had been implicated in several anti-Semitic scandals, became the new information minister of Saratov Region.⁹⁷

However, the case was merely rhetorical. Therefore, radical nationalists had only limited influence on the party in power and government authorities in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities)	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities	-5
×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations	-5
-	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies	0
×	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies	-2.5
	Total for section 8	-17.5

9. Extremist and radical nationalist public actions

Indicators

- Participation of Neo-Nazis and ultra-nationalists in unauthorized mass campaigns.

Campaigns that were not agreed with the authorities or were prohibited by them took place, but they were not noted for their large-scale participation and they were few. For example, during the opposition Freedom March on Lubyanka Square in Moscow in December, nationalists were nowhere to be seen.

On October 26 and December 25, car rally under green banners of the prohibited extremist organization Hizb ut-Tahrir al Islami was held in Kazan.

On the whole, they had no influence on the Russian public whatsoever.

- Participation of Neo-Nazis and ultra-nationalists in authorized mass campaigns.

In 2012 nationalists, as well as left-wing and liberal oppositionists, were active in rallies both in the center and in the regions. Sometimes

they presented a united front, while at other times nationalists sought to hold their own mass campaigns.

Nationalists continued to participate, although irregularly, in the protest campaigns of the non-systemic opposition. In February, for example, they were seen during protest campaigns in Moscow, St. Petersburg, Barnaul, Volzhsky, Voronezh, Irkutsk, Kaliningrad, Kirov, Krasnoyarsk, Nizhny Novgorod, Novosibirsk, Pyatigorsk, Samara, Saratov, Ulyanovsk and Yaroslavl. In particular, in St. Petersburg nationalists took part in an opposition “car rally in support of fair elections,” and in Moscow they participated in the White Ring campaign. This continued in early March, but by then serious differences of opinion had appeared between nationalists and their temporary allies. As a result, during large-scale rallies, nationalists had to temporarily refrain from xenophobic rhetoric; and during the rally in Moscow on March 10, they were not allowed onto the speaker’s stand at all. The violence that nationalists tried to use was alien to liberals and democrats, and the former did not want to stand in line “with Jews.”

However, their relationship improved in May, and nationalists participated in the March of Millions on May 6, which resulted in clashes with the police and arrests. Nationalists were delighted with the unrest. Again, they predicted the beginning of “the Russian revolution” and called on people to “be ready for street fighting.”

Nationalists also took part in the opposition “writers’ walk” on May 13 along the boulevards in Moscow, using the campaign to distribute their propaganda literature. On Chistoprudny Boulevard they guarded the opposition’s Occupy Abai camp in cooperation with activists of the Left-Wing Front. Then they took part in a rally against arbitrary police actions; however, their xenophobic slogans forced the organizers to call the police, and radicals were expelled from the rally. During the campaigns in May, some Russian nationalist activists gave lectures in an effort to explain their position and outline further actions.

However, the March of Millions held on June 12 in Moscow showed that there was no unity among the nationalist opposition, which was plagued with internal squabbles and divisions. In the end, nationalists marched in five separate columns, with the Great Russia column leaving the demonstration halfway, thus showing that “their road was not the liberals’ road.” During the final rally, radical right-wingers were not given a chance to speak.

Nationalists, represented by the Russians movement and national democrats, also took part in the March of Millions on September 13 in Moscow, but they were in the background. Their few speakers did not impress the public. This march in St. Petersburg once again revealed the split among nationalists. Their participation in rallies in other cities was minimal.

When radicals take part in actions together with the non-systemic opposition, they still promote their migrant-phobic and anti-Semitic views. In 2012, demands to introduce a visa regime for the countries of Central Asia and the North Caucasus, the highest possible reduction in foreign workforce quotas, “strict control” over the activities of diasporas and the abolition of Article 282 of the Criminal Code became increasingly popular. In some places, the LDPR party organized pickets against “illegal immigration.”

Campaigns by nationalists themselves, as a rule, came down to demands to release “political prisoners,” speeches against “ethnic crime” and for “Russian Jogs.” For example, on September 30 nationalists held rallies in a number of cities to mark the Day of Remembrance of Ethnic Crime Victims established by them. In addition, they always attend rallies held by the advocates of the Right to Carry Firearms movement. On June 24, members of the Union of the Russian People held a demonstration in honor of the anniversary of the imperial flag, a symbol of Orthodox nationalists. Nationalists sometimes take part in Cross processions in order to gain support of the Orthodox population. The same goal is pursued by their cooperation with Orthodox fundamentalists in their campaigns against sexual minorities. Once in a while they also participate in anti-Israel rallies together with Islamists. All of these campaigns were conducted in different cities, but there was no large-scale involvement.

Russian Jogs with the slogan “For a Healthy Lifestyle” were held in 2012 in Saratov, Vologda, Syktyvkar and Yelabuga. In many cases, participants dedicated the jog to their leader Maksim Kalinichenko, who had been apprehended in December 2011 for taking part in an unauthorized demonstration in St. Petersburg and calling for violence against the police. Here and there in St. Petersburg, for example, his supporters held rallies and pickets demanding a reducing restraint against them. In February, they replaced jogging with a march in Chelyabinsk. As a result, a district court of St. Petersburg sentenced Kalinichenko to a suspended sentence of 2.5 years and 2 years of probation. In Anapa, the jog was organized in April in solidarity with Russian nationalists involved in a fight with members of ethnic minorities the previous day, with more than 200 young men from all over Krasnodar Territory participating in the jog.

In May, nationalists attempted to hold a Russian Labor March on their own in several cities, but it was not large-scale: from several hundred (in Moscow and St. Petersburg) to several dozen people were present. Despite the fact that the organizers tried to turn the protest into general civil demands, many demonstrators chose migrant-phobic and Caucasus-phobic slogans, as well as demands for “Russian power.”

The only independent mass campaign conducted by nationalists is the Russian March, which has been regularly held on November 4 since 2005. This time, the march was held in 42 Russian cities. The largest one was in Moscow, with up to 5,500 participants (less than the number the previous year, when about 6,500 people gathered). From several dozen to several hundred people took part in the march in other cities (up to 1,000 people in Krasnodar). In some places, the march was prohibited by local authorities.

In 2012 in Moscow, the organizers chose to march in the center of the city. Thus, they put themselves at a disadvantage, since people marched along a narrow quay where there were no spectators, unlike the large numbers who usually gather when the march is held in residential areas of the city. The manifesto of the Russian March contained the usual demands of Russian nationalists “to eliminate the anti-popular regime,” to clean up migration policy, to grant Russians the status of “state-forming people,” to introduce a visa regime for the countries of Central Asia, to abolish political articles and grant an amnesty to all political prisoners, and to establish a Russian national state.” There were 12 columns during the march, which included advocates of various movements and parties with their slogans, from Orthodox Gonfalon Bearers to football fans and neo-pagans. The percentage of middle-aged and elderly people among the participants rose, and the percentage of youth decreased. Unlike the previous marches, this time there were many political and general civil slogans, along with anti-migrant, Islamophobic and Nazi ones. It is noteworthy that avowed racists followed those who carried a banner against racism. It is also interesting that this time the Russian Orthodox movement Holy Russia, which opposed the existing regime, also participated. After the rally, nationalists attacked anti-fascists in the metro.

Judging for the surveys, the involvement of nationalists in the general civil movement fell steadily in 2012. There was some increase in this involvement in February, in comparison with the previous campaigns, but then they were clearly a minority as well (from 4% to 14%). In May, no more than 7% of the participants in the opposition camp in Chistye Prudy held nationalist opinions. During the March of Millions in summer, sociologists registered 20% of the participants as having nationalist views, but only 12% associated themselves with nationalist movements. At the same time, they had little trust for well-known leaders of new nationalist parties.

Although the Orthodox monarchist movement occasionally takes part in joint actions with nationalists, in particular, in the Russian March, its members never attend general civil campaigns. On the other hand, monarchists sometimes hold their own “standing in prayer” actions. For example, in July, they held rallies in memory of the shooting

of the Emperor's family in 1918 in Moscow and Samara. Anti-Semitic literature is always distributed at these meetings, and the speakers perpetuate the myth of ritual murder.

Nationalists in some republics, above all, in Tatarstan, were also politically active in 2012. At first, the advocates of the Tatar nationalist youth movement Azatlyk (Freedom) picketed near the Turkish Consulate in the center of Kazan, where they banners up banners saying "Turkey! Support the Turkic peoples of Russia in preserving their rights and traditions!", "There is language, spiritual, cultural and quiet genocide against the Turkic peoples in Russia! Shors, Teleuts, the Nogai people, Kumyks and others are on the verge of extinction! Turkey, do not remain silent!", "Turkey! SOS!". In March, these activists proposed to remove the monuments to Lenin and M. Vakhitov from Kazan and replace them with monuments to the ideologist of the Muslim uprising of the Bashkirs and Tatars, Hazrat Batyrsha (Abdullah Aleyev, the leader of the peasants' revolt in 1755–1756), the founder of the Khanate of Kazan, Ulugh Muhammad, and Queen Syuyumbike, who was killed at the taking of Kazan. In April, they spoke out in support of a plan to locate a NATO base near Ulyanovsk, hoping that the Western powers would defend Tatarstan from Moscow if it declared independence. In May, radicals demanded that the authorities of the republic name one of the Kazan metro stations currently being built in honor of Batyrsha. On September 14, Azatlyk picketed Kazan Medical College for prohibiting female students from wearing a hijab.⁹⁸

On October 15, Tatar nationalists in Kazan held their annual rally on the anniversary of the taking of the city by Ivan the Terrible in 1552 demanding the erection of a monument in honor of the defenders of Kazan and make Remembrance Day a public holiday. Three hundred people participated in the campaign organized by the Mulyukov All-Tatar Public Center and Azatlyk. Young people from a number of cities in Tatarstan, as well as from Bashkiria, Chuvashia and Chelyabinsk Region, attended the rally. Their slogans were "1552 — the Tatars are alive," "An independent state for the Tatars," and "Our goal is independence." After the rally the participants marched in a column to the Kazan Kremlin, where they prayed for the fallen.⁹⁹ Later, Azatlyk declared the year 2013 the Year of Batu with the intent to celebrate it with new campaigns glorifying the Mongol invasion.

Arguments about teaching the Russian and Tatar languages in school also flare up in Tatarstan. A rally in defense of the Russian language was held in Kazan at the end of April, while Azatlyk activists called for support of the Tatar language in May.

In September, Bashkir and Tatar nationalists of the Kuk Bure and Tatar Public Center movements participated along with Russian nationalists in a rally and procession in Ufa.

Chuvash nationalists also became more active. In November, they promoted an initiative to revise the borders of the republic, proposing to annex the neighboring districts of Ulyanovsk and Nizhny Novgorod Regions as well as Tatarstan and the Republic of Mari El to it. A territorial dispute between Chechnya and the Ingush Republic over Sunzhensky District and the Malgobek precincts broke out in August 2012.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

Campaigns like this were not observed in Russia in 2012, aside from limited participation of nationalists in CPRF demonstrations. Nationalists, together with Orthodox fundamentalists, took part in the CPRF demonstrations on May 1 in some cities. In this case, these were nationalists who rejected the alliance with liberals, which was reflected in their slogans inciting hatred against liberals and democrats.

- The presence of “football xenophobia” and racism among sports fans.

For ten years Russia now has endured rampages by ultra-right-wing football fans, who shout xenophobic (anti-Caucasus, anti-Islamic) slogans at the stadium, put up racist banners there or take part in attacks on migrants. In recent years, this has been happening so often that sports officials and coaches have become angry with them, and foreign football players on Russian teams have started to protest against this kind of behavior.

The situation did not improve in 2012. Attacks by fans on anti-fascists, punks and anarchists, as well as fights with fans of the Dagestan football club Anzhi, were recorded in various cities. One of the bloodiest clashes happened in Moscow in August, when around 100 Moscow fans attacked Dagestani fans in the metro. Matches in which Anzhi participates are usually accompanied by outbursts of Caucasus-phobia and racism. In 2012, similar outrages took place during matches with Alania, an Ossetian team. In both cases, one of the reasons for the outburst was that these teams had black players. Fans in Nizhny Tagil celebrated Hitler’s birthday by holding a demonstration with swastikas. Recently, fans have been trying to stress their Orthodox identity by shouting slogans.

Fans of the St. Petersburg’s Zenit football club are the most xenophobic. In 2012, they issued the manifesto Selection-12, which protested against black people and members of sexual minorities playing on the team. The reason they gave for attitude was “mentality” and “regional identity.” While they flatly rejected racism, to unbiased commentators the hatred was obvious, especially since Zenit fans had displayed it on numerous occasions.

It went so far, that in June 2012 the UEFA took the Russian Football Union to court, accusing its fans of racist behavior during a match against the team from the Czech Republic on June 8 in Wroclaw. It should be noted that as early as the spring, the Russian Football Union was forced to establish an ethics committee to counteract racism at football matches; however, it has been of little help so far.

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities	0
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities	–5
–	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies	0
×	Presence of “football xenophobia” and racism amongst sports fans	–5
	Total for section 9	–10

10. Racist attacks, violence and terror

Indicators

- Vandalism in cemeteries, attacks on religious buildings.

Surprisingly, vandalism at cemeteries has decreased drastically in recent years, and the number of attacks on synagogues has also dropped. On the other hand, in 2012, there was an unprecedented increase in attacks on Orthodox churches and symbols. Orthodox churches and chapels in various Russian cities were damaged by arson and trashing, monuments to the fallen defenders of the Motherland (including the Eternal Light) were violated, icons were desecrated, priests were attacked, and starting in August, an epidemic of pulling down memorial crosses broke out various cities (please see above).

At the same time, there were attacks on the Kingdom Halls of Jehovah’s Witnesses and Protestant meeting houses. There were also at-

tempts at desecrating and blowing up mosques, starting with placing a pig's head on the gate of a mosque in St. Petersburg and making offensive inscriptions in Chelyabinsk to placing an explosive device in a mosque being built in Novosibirsk.

As a result, the law enforcement bodies of some regions were ordered to step up security at religious premises and to monitor preservation of religious valuables.

- Interethnic clashes related to xenophobia and radical nationalism.

During the year there were several attempts at using “the Kondopozhsky technique,” i.e. turning a domestic conflict into an international one, while utilizing Internet resources more frequently. This happened for the first time in May 2012 in Yeysk, where nationalists tried to turn clashes between the town's residents and people from Chechnya and Dagestan who came there for reserve training into a conflict. But all that happened was a rally at the gate of the military base, after which 82 contract servicemen left the city. The second incident took place in May in Moscow, where people from the Caucasus assaulted a group of female nationalists of the Moscow Front organization. Rumors spread instantly on the Internet about people from the Caucasus intending to drive Russians out of Biryulyovo District and regular attacks on young women. But the action was limited to words only.

Then, in June, a local young man was killed during a fight with Dagestanis in the town of Nerekhta, Kostroma Region. After the funeral, a rally was held to demand the punishment of the guilty parties. Violence was avoided thanks to the quick response of the police and the local authorities, as well as the victim's mother, who called on people not to foment an ethnic side to the conflict. On the same day, nationalists tried to turn a fight between Spartak fans and Chechens in Moscow near the European Trade Center into “an interethnic conflict.” Among those involved in the fight were Chechen students of the Maimonides Academy. After that, rumors spread that they had allegedly celebrated the anniversary of the Domodedovo airport terrorist attack. Chechen leader Ramzan Kadyrov responded with a call not to dramatize a domestic conflict. He warned the young men that he did not approve of their asocial behavior.

Events in the town of Demyanovo (Kirov Region) turned out differently. There, a domestic row between a local resident and a Dagestani almost turned into bloodshed due to the efforts of local businessmen who wanted to force Dagestani entrepreneurs out of the woodworking business.¹⁰⁰ The police managed to separate the adversaries with difficulty. The organizers of the incident attempted to present it as “the aggression of people from the Caucasus,” even though in this case, it was the Dagestanis who had to defend themselves.

In July, nationalists tried to foment non-existent conflicts with people from the Caucasus in Kislovodsk, Ulyanovsk and Buzuluk, but the “wars” happened over the Internet only. In September, a serious conflict between the “indigenous” residents and Dagestanis almost took place in the village of Remontnoye (Rostov Region). The cause of the conflict was a fight that ended in a riot by locals in the marketplace, in which 8 people were injured. Only the intervention of influential district and regional politicians was effective in placating the parties.

In August, a serious incident happened in the town of Pobeda in Leningrad Region, where, after a migrant worker from Uzbekistan had raped a local woman, the residents started beating up migrant workers, one of whom ended up with a broken arm. Local officials and the police stopped the conflict with difficulty.¹⁰¹

In September, a property dispute almost escalated into an interethnic conflict in Atkarsky District of Saratov Region, with Chechens hired to guard the property of a number of local LDPR activists on one side and nationalist Cossacks on the other side. The conflict was ended when the police intervened.

In December, a local resident died during a fight in Nevinnomyssk, with Chechens being the suspects. The radical nationalist party New Force took advantage of it and organized “a public gathering” with the slogan “Stop Killing Russians.” But the town council managed to regain control over the events and prevent escalation of the conflict. Finally, nationalists organized “a public gathering” in St. Petersburg demanding an investigation of the homicide of a local resident, with people from the Caucasus being the suspects. However, there were few people at the “gathering,” and many participants were apprehended by the police.

Although there have been no mass attacks on marketplaces in recent years, “ethnic food” establishments are still not entirely safe. There were several attacks and riots in 2012 related to this. In February, a tragic event almost occurred in St. Petersburg in the Uzbek restaurant Tashkent, when a gasoline bomb was thrown into it. In July, 15 people raided three “ethnic” cafes in Perm in 45 minutes. Two weeks later, skinheads attempted to burn down a Caucasian cuisine restaurant, “Zhi Yest,” in the south of Moscow, in which an administrator was injured. In December, food service establishments owned by people from the Caucasus were set on fire twice in St. Petersburg and Restaurant “7Free-Days” for sexual minorities where at least three people were injured.

- Cases of violence, including murder on racial, ethnic and religious grounds.

While in the previous four years the number of these crimes had been decreasing, the trend changed in 2012. According to data of the World Without Nazism international human rights movement,

141 such assaults were recorded in 2012, with 223 people being the victims (41 of them were killed).¹⁰²

In the same period in 2011, 29 people were killed and 123 injured; and in 2010, there were 46 dead and 299 injured. Thus, the number of attacks and victims increased in 2012. To a large extent this happened due to the increasing activity of radical Islamists.¹⁰³

Unfortunately, the identity and origin of the victims were not always recorded. Therefore, the statistical data available are incomplete. Still, the data show that the main targets of assaults in 2012 were members of youth subcultures, anti-fascists and left-wingers (26%). With respect to “migrants,” the list of the assaulted includes, first of all, people from Central Asia (20%), then blacks (12%) and people from the Caucasus (8.7%).¹⁰⁴ There were separate cases in which Muslim religious figures were attacked and deliberately killed by Muslim fundamentalists (please see below).

At the same time, the number of attacks on people from Central Asia and the Caucasus decreased in 2012 in comparison with previous years, but the number of attacks on blacks increased. And while young men and blacks were beaten up only, people from Central Asia and the Caucasus were in danger of being killed. This shows that there is special hatred of the attackers towards the latter two categories of people, which corresponds to the demands of right-wing radicals mentioned above for establishing solid barriers against migration from Central Asia and the Caucasus.

In addition, in recent years some Neo-Nazis have turned their attention from migrants to “pedophiles,” since persecuting them is safer because the public has a positive attitude towards this persecution. Some enthusiasts took it up as far back as in 2011, but Neo-Nazis joined them in 2012 owing to Maksim Martsinkevich, a Hitler admirer, who is known in this environment as “Hatchet” (Tesak). After serving a prison term for several years because of his extremist activities, today he leads a project “Occupy Pedophilia” which is aimed at “hunting for pedophiles.” Neo-Nazis use social networks encourage “pedophiles” to meet with them, then catch them and have a “preventive” conversation with them, film it and publish it on the Internet. The adolescents who serve as “bait” are being perverted. Hatchet calls his activities “anti-liberal” and openly speaks about his hatred towards sexual minorities and “non-Russians.”

Indeed, while the number of attacks on members of religious minorities decreased drastically, in 2012 the number of attacks of members of sexual minorities increased just as drastically.

The most notorious case was the murder of anti-fascist Nikita Kalin on February 9 in Samara. Anti-fascist groups were also attacked, and journalists who covered demonstrations of right-wingers were beaten. Finally, the “white coach” tactics reemerged: on the evening of April

22, masked radicals celebrated Hitler's birthday by beating up several immigrants in commuter trains leaving Leningradsky railway station along the Moscow-Tver, Moscow-Klin and Moscow-Konakovo routes.

In recent years, Russia has also seen vicious fights caused by interethnic enmity. In February a vicious fight between Kazakhs and Chechens occurred in Astrakhan; in April, local and Caucasus youth fought in Moscow; in May, there was a fight between Kirghiz and Uzbeks, again in Moscow; and in July, Russian and Ingush students fought in Voronezh, and there was a fight between Kazakhs and people from the Caucasus (an Armenian and a Georgian) in Kislovodsk. In August, there was a fight between construction workers from the Caucasus (Chechens and Azerbaijanis) and local residents in the town of Plodorodny in Krasnodar Territory, as well as in Perm between Tajiks and Armenians; and in September, there was a clash in the south of Moscow between Azerbaijanis and Chechens. In August, there was a clash between Gypsies and Russians because firemen who arrived there started to put out a fire at the house of a Russian family first, rather than the house of a Gypsy family. In July, a fight between Tajik and Azerbaijani football fans happened in St. Petersburg; and in August, there was a fight there between Tajiks and Uzbeks at a shopping center. In June, Chechen students of the Maimonides Academy fought with riot police who had arrived to take away a compatriot who had been involved in another fight.

While in previous years, attacks on Muslim religious figures were limited to Dagestan, in 2012 this sad tradition also started spreading to other regions. In February, Khasan Fakhretdinov, the Head Imam of the Historical Mosque, was beaten right in the center of Moscow.¹⁰⁵

- Acts of terror based on radical nationalism and religious fanaticism.

In recent years, murdering imams and other Islamic clergy in Dagestan has become a sad tradition. By the beginning of 2012, more than 30 muftis had been murdered in the last 15 years in this subject of the Russian Federation. But highest rate of murdered Islamic figures was in 2012. In March, an imam of a local mosque and his guard were killed as a result of a terrorist attack in Buynaksk; and in June, an imam and a worshipper were shot down in the mosque of the village of Karamakhi in Buynaksky District. In July, a teacher of the Uramagomed-Khadzhi madrasah in the village of Chalyakh in Tsuntinsky District was killed; in August there was an attempt on the life of a former imam of mosque in Khasavyurtovsky District; and then, during the Bayram celebrations, eight people were injured, one of whom died, in an attack on a Shiite mosque in Khasavyurt.¹⁰⁶ In late October, an imam of Salafi mosque, his 82-year-old father, and 50-year-old brother were killed in Derbent; in November, an imam of village mosque was killed in Levshinsky District in Dagestan.

However, the most high-profile case was the murder of Sheikh Said Afandi by a suicide bomber, when six other worshippers died along with the sheikh.¹⁰⁷ According to experts, he was probably the most important spiritual leader of the republic, with numerous disciples, including many leaders of the Spiritual Board of Dagestani Muslims. He had made significant progress in reconciling Sufis and Salafis, which resulted in mitigation of the law banning Wahhabism of 1999. This murder was conceived by underground gangs in order to disrupt the reconciliation process and should have provoked an armed conflict in the republic.

Islamic terrorism is gradually spreading far beyond the borders of Dagestan. An act of terror was being organized in Astrakhan Region, but the militants were disarmed in time and brought to trial on July 25. The court delivered a verdict of guilty against four members of the Islamist group, and it was established that one of them had taken part in acts of terror in April 2011 in Volgograd.¹⁰⁸ On December 5, an anchorman of the Russian television channel VGTRK, Kazbek Gekkiyev, was killed, and the next day the car of the Deputy Minister of Transport of Kabardino-Balkaria, Vladislav Dyadchenko, was blown up.¹⁰⁹ On December 27, Ibrek Daudov, the deputy mufti of North Ossetia, was shot down in Vladikavkaz.

Several terrorist attacks also occurred in Chechnya and Ingushetia. They happened on August 6 at the Exchange shop in Grozny, on August 15 at the Red East shop in Nazran, and on August 19 in the village of Sagopshi, Ingushetia, during a memorial for police officer who had been killed the previous day.

The most high-profile attempt on the life of a religious figure in the Volga Region happened on July 19 in Kazan, the day before the holy month Ramadan. The car of the mufti of Tatarstan, Ildus Faizov, was blown up and he was hospitalized. On same day the deputy mufti of Tatarstan and head of the Education Department of the Spiritual Board of Muslims of Tatarstan, Valiull Yakupov, was killed.¹¹⁰ The reason for the act of terror was the aggravation of relations between traditional Sunni Islam and the Salafis, and Faizov was known for his uncompromising speeches against Islamic radicals. In particular, he aspired to the position of imam of the Kul Sharif Cathedral Mosque, but its imam, R. Yunusov, who had studied in Saudi Arabia, blocked it. There was clash as far back as the spring, when Yunusov mobilized his supporters, among whom were quite a few Salafis, for a mass protest campaign. At the time, he was also supported by activists of the radical Tatar youth movement Azatlyk. In October, a special task force annihilated two militants who were suspected of the crime in Kazan in July, and it was established that they had been preparing a new act of terror on the Kurban Bayram feast.

These events strained the situation in Tatarstan. Soon after an attempt on a mufti's life in Kazan and Naberezhnye Chelny, the Tatar Pub-

lic Center and the Azatlyk youth organization held protest rallies (although not many of them) against “the oppression of Muslims,” i.e., against the arrest of the people suspected of terrorist acts. Among the slogans were “Stop the occupation of Tatarstan,” “Only occupiers can throw hundreds of people in prison.”¹¹¹

Simultaneously, staff of Russian special services and experts have been recording an increase in the number of Muslim communities in Privolzhsky Federal District associated with the expansion of advocates of international extremist organizations, such as Al-Qaeda, Hizb ut-Tahrir, Tablighi Jamaat, Taliban, and others. Radical views have also become increasingly popular. A similar process is also being noted in Yamal, where groups of Salafis have emerged, as well as activists of a number of extremist Islamic organizations calling for terrorist acts.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Vandalism in cemeteries, attacks on religious buildings	-5
×	Inter-ethnic clashes instigated by xenophobia and radical nationalism	-5
×	Cases of violence, including murder on racial, ethnic and religious grounds	-5
×	Cases of hate crimes	-5
×	Terrorist attacks on the basis of radical nationalism and religious fanaticism	-5
	Total for section 10	-25

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

There are several anti-Nazi non-governmental organizations in Russia, but there is no mass *consolidated* anti-fascist or anti-racist movement.

Separate anti-fascist speeches are related to the activities of small-scale left-wing parties or anarchists (for example, Autonomous Action).

Some music bands (hard rock and punk) associate themselves with anti-fascists. There are network anti-fascist groups, or “red skinheads,” who sometimes mobilize themselves to attack boneheads (Nazi skinheads). It is notable that “the antifa” also include football fans who are fed up with the actions of right-wing radicals during football matches. “The antifa” are concentrated mostly in Moscow and St. Petersburg, where they are estimated by experts to number from 500 to 1,500 people.

Nevertheless, anti-Nazism ideas are gathering momentum, especially with the increasing activity and legalization of right-wing nationalist parties and groups.

Dissatisfaction with the increasing influence of radical nationalists in 2012 resulted in the growth in anti-Nazi rhetoric of both representatives of the party in power and members of the Civic Chamber and the non-systemic liberal opposition.

From time to time, the Russia’s Peoples’ Congress (representatives of regional and federal authorities, public associations, and figures of science, culture and art), the United Caucasus Forum (representatives of non-governmental organizations of the North Caucasus), the Russian Congress of Peoples of Caucasus (RKNK) voice their opposition to xenophobia.

A Russian branch of the Russia Without Nazism international human rights movement, which intended to unite scattered anti-Nazi groups, was registered in 2012. In the same year, this organization filed several applications with the public prosecutor’s office demanding an investigation of the activities of individual organizations and persons who fomented interethnic discord.

- Activities of anti-racist and anti-Nazi movements (pickets, rallies, demonstrations).

In January, the January 19 Committee and the editorial staff of the Antifa.ru website opposed the cooperation of democrats with Russian national radicals. They warned that Neo-Nazi human rights defense was undisguised speculation for tactical reasons with the aim of acquitting murderers and racists. The January 19 Committee stated that “people from Neo-Nazi organizations, their defenders and promoters do not belong in the democratic movement.”

In January, the January 19 Committee organized an exhibition of anti-fascist art in the Moscow metro and then held a mass procession in memory of Markelov and Baburova in which more than 1,000 people participated. Processions were also held in St. Petersburg, Kirov, Omsk, Syktyvkar, Cherepovets and Yaroslavl. The campaigns in Bryansk, Nizhny Novgorod, Oktyabrsky (Bashkortostan), Orel, Perm and Samara were held in the form of placing flowers at the Eternal Flame and observing a minute of silence there. Pickets were conducted in Voronezh,

Ekaterinburg, Murmansk and Ufa. Posters in memory of Markelov were hung out in Glazov, Irkutsk and Sochi. On January 21, anarchists held a film show in memory of Markelov and Baburina in Chelyabinsk.

In February, the Antifa movement activists and anarchists organized a picket in Barnaul in memory of the victims of Neo-Nazi violence in modern Russian society. At the end of February, anti-fascists conducted a number of campaigns in memory of the murdered anti-fascist N. Kalin in Moscow, Nizhny Novgorod, Murmansk, Samara, Severodvinsk, Togliatti and Omsk.

On May 1, anti-fascist demonstrations were held in Kirov and Izhevsk. On October 27, there was an annual March against Hatred in St. Petersburg, where more than 200 people gathered. The participants carried posters and banners saying: “the March against Hatred Stands for Your and Our Freedom,” “Fight Capitalists, Not Migrants,” “Say No to Division of Workers! Down with Homophobia!”, “Until Nazis Divide Us Capitalists and Bosses Reign,” etc. The march was organized by the Democratic St. Petersburg coalition (which includes the Yabloko Russian party, RDSM, the Solidarity movement, LGBT, human rights and student movements and organizations).

In St. Petersburg, anti-fascists have been honoring the memory of Timur Kacharava, a musician and anti-fascist killed by Nazis, on November 13 for seven years already. On November 8, a traditional campaign “Food Not Bombs” in memory of murdered anti-fascists was held in Murmansk.

An authorized picket coinciding with the International Day against Fascism, Racism and Anti-Semitism was conducted in St. Petersburg on November 9. The organizer of the event was the Parnas Republican Party of Russia. The participants held up banners and distributed leaflets to passers-by containing the historical background of the Kristallnacht (Night of Broken Glass), a series of Jewish pogroms organized by the Nazis in the night between November 9 and 10, 1938 in Germany and Austria.

Here and there, anti-fascists have tried to oppose “Russian Marches.” For example, on November 4, anti-fascists held counteractions to spite “Russian Marches” in Moscow, Kirov and Perm, with several dozen to several hundred participants. On the eve of a “Russian March” in Krasnodar, graffiti insulting “Nazis” and “fascists” were spray painted on the wall of the store where the participants would gather. However, there were too few anti-fascists to make these campaigns effective. During the year, clashes between Russian right-wing radicals and anti-fascists happened here and there (in January in Cherepovets, on July 1 in Moscow and on July 20 in Syktyvkar).

Activists of the sexual minority movement also held anti-fascist campaigns in 2012. They held press conferences, organized pickets, distrib-

uted information on the nature of homosexuality, and protested against the legislation prohibiting propaganda on unconventional sexual relationships among minors, which (they believe) is directed against them.

On February 2, the anniversary of passage of the decree separating church and the state, the Anti-Clericalism 2012 campaign was held in St. Petersburg. About 60 people took part in it. They demanded that Archpriest G. Mitrofanov, who had praised Vlasov's army, be defrocked and protested against the call of Vitaly Utkin, the secretary of the Ivanovo Diocese, to use internal military forces to break up protest demonstrations.

- Presence of anti-racist and anti-Nazi public initiatives.

On January 26, 2012, there was a conference sponsored by Thorbjørn Jagland, the Secretary General of the Council of Europe, No More: Memory of the Holocaust and Prevention of Crimes against Humanity. The World Without Intolerance, Racism, Extremism, Negativism and Anti-Semitism, which was organized and held by the World Without Nazism international human rights movement. Representatives of anti-fascist organizations of more than 30 countries took part in it, exchanged their experience and information on the situation in the international anti-fascist movement, and on various aspects of the radical nationalism in their countries.

The event coincided with the International Holocaust Remembrance Day.

Russian Foreign Minister Sergei Lavrov sent a welcome letter to the participants.

Conference participants expressed concern over the infiltration of nationalist radicals into power, which is actively happening today in various countries, as well as concern over attempts to deny the Holocaust.

The participants presented an initiative addressed to the Education ministers of the member states of the Council of Europe for creating a model textbook of 20th century history that would include standards and recommendations common to all countries of Europe.

“In modern Europe,” the concluding Statement of the conference participants said, “there cannot be a situation where different interpretations of criminal actions of Germany's National Socialism and its henchmen on the occupied territories are permitted at the level of education bodies. The search for a single standard in teaching history is not an attempt at imposing uniformity or like-mindedness. This is a guarantee of historical truth for the new generation.”

On February 21, the REGNUM News Agency officially sent a Statement on establishing a commemorative date for the Day of Remembrance of the Victims of Nazism and Collaborationism signed by 10,000 people

to the Russian Presidential Administration for Dmitry Medvedev, and to the Government of Russia, for Prime Minister Vladimir Putin.

“We ask you to consider the following dates as specific dates for the Day Of Remembrance Of The Victims Of Nazism And Collaborationism: September 30 (1938), the date of the Munich Agreement, an agreement between Prime Minister Chamberlain of Great Britain, Prime Minister Daladier of France, Reich Chancellor Hitler of Germany, and Prime Minister Mussolini of Italy on the partition of Czechoslovakia; and July 2 (1941) for the Lviv Pogrom, the massacre of the Jewish population and the Polish intelligentsia by the Nazis and their henchmen from the Western Ukraine. The introduction of a new Day of Remembrance will contribute to preserving the historically established unity and forming public opinion, promote intellectual, spiritual and moral development of citizens’ identity, and strengthen peace, friendship and harmony between peoples, and prevent social, national and religious conflicts,” the Statement said.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-racist and anti-Nazi movements and parties	5
×	Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations)	5
×	Presence of anti-racist and anti-fascist civic initiatives	5
	Total for section 11	15

12. Glorification of German National Socialism and collaborators of Nazi Germany

Indicators

- Glorification of German National Socialism and/or its henchmen in the mass media, desecration and vandalism of monuments and memorials dedicated to the fighters of the anti-Hitler Coalition.

There is no glorification of Nazism as a public phenomenon in Russia, especially as a factor of state policy. Nevertheless, in 2012 there were separate instances directed at revising the established opinion on the role of collaborationists who fought in the Second World War on Hitler’s side in Russian and world history.

Thus, the Museum of Anti-Bolshevik Resistance, which opened in 2010 in Podolsk (Moscow Region) and glorified Hitler's collaborationists (Cossacks, etc.), among others, conducted a virtual tour of its halls in January 2012. On August 31, the head of the museum V. Melikhov, disputed the legality of the warning issued to him "On the Impermissibility of Extremist Activities" by the Sholokhovsky District Court. He said that the Cossack collaborationist units, which had been formally led by P. Krasnov, had supposedly not committed atrocities against the peaceful civilian population, and Krasnov himself allegedly had been convicted of "fighting against the Soviet authorities and Bolshevism." After this, the court considered the warning to V. Melikhov illegal and revoked it.

On March 16, a round table was held at RIA Novosti in Moscow on the issue of "Russia — Latvia: can the difficult historical problems be solved?", during which it was planned to display the film *Contradictory History* prepared by the Latvian party about the Latvian legion of Hitler's Waffen-SS units, which justified the participation of Latvian collaborationists in military operations against the anti-Hitler Coalition and, in particular, against the Red Army.

The Latvian party at the round table included Viktor Makarov, the parliamentary secretary of the Foreign Ministry of Latvia; Vita Zelče, a professor of the Social Sciences Department of the University of Latvia; Ivars Ījabs, a Ph.D in Political Science, an associate professor of the Social Sciences Department of the University of Latvia; Kaspars Zellis, an associate professor of the Department of History and Philosophy of the University of Latvia; Anatoly Golubov, the editor-in-chief of the rus.DELFI.lv portal; and Girts Vikmanis, a journalist with the Latvijas Avīze newspaper. Counselor Vilmars Heninš, the Deputy Ambassador of Latvia in Moscow, was also present at the event.

The round table with the support of the Russian state news agency was held on a so-called Day of Remembrance of Legionnaires of the Latvian Waffen-SS Legion, which is marked annually in Latvia by mass processions of SS veterans and neo-Nazis. Although representatives of anti-fascist organizations were not invited to this event, Dmitry Linter, a representative of the World Without Nazism organization, and Galina Sapozhnikova, a prominent anti-fascist journalist of Komsomolskaya Pravda newspaper, managed to attend it. The event turned into an attempt at justifying the Latvian Waffen-SS legion, which was nevertheless stopped by the anti-fascists.

In their statements at the round table, they said that they considered this meeting to be an insult to the historical memory of the Russian people. On the same day, the World Without Nazism international human rights movement held a round table in Riga on right-wing radicalism in the Baltic countries.

On April 29, the website of the Moscow parish of the Russian Orthodox Church Abroad (ROCA) published a reprint of an article by B. Bashilov, who had fought in the so-called Kaminsky brigade, under the pretentious name of “The Truth about the Kaminsky Brigade.” The Russian Liberation People’s Army (RLPA) was depicted there as some “third power,” “a true people’s army” which tried to oppose both Bolsheviks and Nazis. Nothing was said about the atrocities committed by the RLPA.

- Glorification of German National Socialism and/or its henchmen with the support of local authorities, demolition of monuments to the fighters of the anti-Hitler Coalition, and erection of monuments to soldiers of Hitler’s army and members of Nazi punitive squads.

Monitoring did not record any such occurrences in Russia in 2012.

- Glorification of German National Socialism and/or its henchmen in the decisions of the country’s authorities.

Monitoring did not record any such occurrences in Russia in 2012.

- Holocaust revisionism and denial.

While denial of the Holocaust played almost no part in right-wing propaganda in the 1990s, the situation has been changing in the last 10–12 years. Since then, several key pamphlets of Western revisionists have been translated and published in Russia, and there have been quite a few people who want to reproduce and spread their arguments that deliberately misrepresented the history of the Holocaust and significantly reduced the number of victims. These authors include well-known national patriots O. Platonov, A. Sevastyanov, Yu. Mukhin, A. Prokhanov, Yu. Vorobyevsky, and others. The needs of this kind of admirers have been satisfied in recent years by such Internet resources as Revisionism of the Holocaust, the Mythical Holocaust, the Revisionists, Velesova Sloboda, etc. The materials of revisionists were being placed on the website of the Nazi Slavic Union, which is now forbidden. The largest number of the texts denying the Holocaust is found on websites; however, books are being published too, in particular, at the initiative of O. Platonov.

In this regard, 2012 was no exception. Thus, on May 2, an article by V. Khatyushin, a well-known anti-Semitic publicist, “The Holocaust Lie” was published on the Russian Messenger nationalist Internet portal (Russkiy Vestnik). It was an enthusiastic review of the book “Priests and Victims of the Holocaust” by S. Kunyaev, a poet and fellow anti-Semite, in which the latter focused on “the crimes of Jews” against the Russian people.

Then on May 21, the article “Holocaust for High School” by A. Nikolaev disputing the uniqueness of the Holocaust was published on the Rosinfonet website.

There have been attempts at Holocaust revision in the country's regions, too. On April 29, the Ural Worker (Uralsky Rabochy) newspaper published the article "Born in Auschwitz" by Yu. Ovodov. It repeated anti-Semitic myths about Jewish units that fought on Hitler's side, with reference to the opinion of Yu. Velichko, an associate professor of the Russian History Department of the Ural Federal University. He also misrepresented the image of Auschwitz, which was depicted as "an ordinary concentration camp." Later, in response to the protests of veterans' organizations, the newspaper was forced to publish the protest of Mikhail Oshtrakh, the President of the Sverdlovsk Regional Jewish National and Cultural Autonomy, and an outraged letter by Yu. Velichko, a historian, whose words had been used extremely freely by the journalist. Before publishing Velichko's letter, the editorial staff "doctored it" and the anti-Semitic theses were modestly called "some moments" and "a number of inaccuracies."¹¹²

Another cause for discussing the Holocaust was the decision of the Ministry of Education and Science of the Russian Federation to teach its history in the high school program. It caused a wave of indignation among the anti-Semitic public. On April 11, an article "The Authorities Have Decided to Replace Orthodoxy with the Holocaust" by I. Gladilin was published on the Russian Empire website (Rusimperia). The article claimed that in the course called "The Lessons on the Holocaust. The Way to Tolerance," children would supposedly be taught to be tolerant towards "human vices," to "replace Christ with the Holocaust" and would also be taught alien history. The author presented the Holocaust and tolerance as some new religion preached by liberals.

The events in Zmievskaia Balka in Rostov-on-Don, where a memorial plaque was torn down in November 2011, was another high-profile cause for discussion. The text of the plaque was the following: "On August 11–12, 1942 the Nazis massacred more than 27,000 Jews here. This is the largest memorial to the Holocaust in Russia." The plaque sponsored by the Rostov Jewish Community was replaced with another one which contained the text about the murder of "peaceful Soviet citizens" without mentioning the Jews.

The Rostov-on-Don Jewish Community considered it an act of Holocaust denial and protested on February 10.¹¹³ Representatives of the community insisted on returning the memorial plaque to its place and immortalizing the memory of the people killed whose names could be identified. But in October the Kirovsky District Court of Rostov-on-Don dismissed the claim against the town council demanding that they recognize the replacement of the memorial plaque in memory of the Holocaust victims in Zmievskaia Balka at the initiative of the city's department of culture as illegal.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition	-2.5
-	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers	0
-	Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities	0
×	Historical revisionism, Holocaust denial	-5
	Total for section 12	-7.5

13. Persecution of the veterans and partisans of the anti-Hitler Coalition and anti-fascists

Indicators

- Public calls for repression against veterans and partisans of the anti-Hitler Coalition and anti-fascists.

Monitoring recorded no such calls in Russia in 2012.

- Activities of human rights and anti-fascist organizations restricted by the country's authorities; anti-fascists prohibited from entering and leaving the country by the authorities; inaction of the authorities.

Monitoring recorded no such occurrences in Russia in 2012.

- Criminal prosecution of veterans and partisans of the anti-Hitler Coalition and anti-fascists.

On the whole, there is no persecution of the veterans and partisans who fought in the Second World War and anti-fascists. Nevertheless, several cases of persecution of anti-fascists were recorded in certain subjects of the Federation in 2012.

For example, the authorities in Nizhny Novgorod accused five members of one of the local Antifa groups, the Antifa-RASH organization, of

forming an extremist community and of attacking “skinheads and football fans.” The charges against the members of the group also included creating a website containing a database on radical nationalists and the staff of the E-Center (extremism control) in Nizhny Novgorod. The case was dismissed, since many witnesses took back their testimonies; and on December 25, 2012 the case was remitted for further inquiry.

On November 27, 2012, searches of the apartments of people calling themselves anti-fascists were conducted in Kirov. They were actually members of the so-called Autonomous Action (AD), an Anarchist-Communist association. The activists were suspected of calling for violence against local Neo-Nazis in leaflets posted in Kirov by unknown persons.

As was already pointed out in the previous sections, anti-fascists were sometimes subjected to illegal anti-extremist law enforcement.

For example, in Saratov the evidence concerning other left-wing activists was demanded of an anti-fascist activist who had been apprehended while distributing anti-fascist leaflets during the Russian March. In the process, he was threatened with punishment for the distribution of “Nazi symbols,” namely, the crossed-out swastika depicted on the anti-fascist leaflets.¹¹⁴

Some people who considered themselves anti-fascists suffered for their participation in the disturbances on Bolotnaya Square in Moscow on May 6, 2012, due to the actions of the authorities.

All of this caused some representatives of Russia’s arts community and human rights activist to appeal to the authorities in order to “stop the repression against the anti-fascist movement.”¹¹⁵ The authors of the appeal illustrated their point with four cases of anti-fascists who were accused of participating in the disturbances on Bolotnaya Square, the case of the Antifa-RASH anti-fascists in Nizhny Novgorod, and the arrest of four anti-fascists charged with hooliganism in Moscow (clashes with Neo-Nazis).¹¹⁶

“We consider the situation in which a person may be repressed just for his political views and activity against racism to be intolerable,” the authors of the address said.

Meanwhile, analysis of the aforementioned facts shows that all of the cases of criminal prosecution of anti-fascists or persons who called themselves anti-fascists were connected with actual violation of the law, first of all, with hooliganism, calls and participation in mass disturbances. The only exceptions were the case in Saratov, where the law enforcement bodies resorted to provocative actions in order to recruit an informant. The political views of the people arrested were not related to the prosecution.

As was mentioned before, there is no consolidated anti-fascist movement in Russia, which makes it possible to impose an anti-fascist

“brand” on representatives of various groups, including radical groups, whose members traditionally take part in actions that are also traditionally interpreted by law enforcement bodies of the majority of countries as illegal.

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists	0
–	Restrictions on human rights and anti-fascist organisations imposed by the authorities, bans to entry or exit imposed on anti-fascists by the authorities, inaction of the authorities	0
×	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists	-2.5
	Total for section 13	-2.5

14. International aspect

Indicators

- Participation of the monitoring countries in the most significant international agreements on fighting racism and discrimination against ethnic minorities.

Russia is a member of the International Convention on the Elimination of All Forms of Racial Discrimination and of the main international agreements and conventions on the observance of human rights, against race discrimination and other kinds of discrimination and in support of the rights of minorities.

Russia did not join the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Council of Europe Convention on Action against Trafficking in Human Beings. The European Charter for Regional or Minority Languages has been signed, but not ratified.

- Accession to new international agreements, as well as to UN resolutions and resolutions of other international organizations, directed at fighting Nazism and discrimination and those in defense of the rights of minorities during the period under investigation.

On December 21, the UN General Assembly approved resolution A/RES/67/154 initiated by Russia on the Glorification of Nazism: inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance. This document expresses, in particular, serious concern over the rise of extremist movements and political parties which popularize racism, ethnocentrism and xenophobia and spread the ideology of fascism and racial supremacy. The resolution condemns glorification of the Nazi movement and former members of the Waffen-SS organization, including the unveiling of monuments and memorials and the holding of public demonstrations glorifying the Nazi past, Nazi movement and Neo-Nazism.

- International statements and initiatives of the monitoring countries' leaders, as well as those of leading politicians, against discrimination, Neo-Nazism and xenophobia.

In June, Russian President Vladimir Putin took part in the unveiling of a memorial in Israel in honor of the victory of the Red Army over Nazi Germany. In his speech, he called on others to “do everything in our power to ensure that the criminal Nazi doctrines stay forever in the past, the effect of the Nuremberg Trials remain unshakable even today,” as well as “to oppose any attempts at justifying the Nazi henchmen” and not to tolerate falsification of history. He also called the Holocaust “one the darkest, most tragic and shameful chapters of the history of mankind.”

On March 23, the State Duma approved the declaration “On the Violation of Human Rights in the Republic of Latvia and the Impermissibility of Rehabilitating Nazism.” While mentioning the marches of Waffen-SS veterans, the deputies noted that “official Riga continues to oppose the international community on issues of the observance of human rights and the fight against Neo-Nazism.” The State Duma believes that “such actions of the Latvian authorities call into question the decisions of the Nuremberg Trials, under which all persons who were members of the SS, including the Waffen-SS, are subject to unequivocal condemnation.” The deputies consider the attempts at “glorification of members of criminal Nazi organizations by the Latvian authorities” to be intolerable. “The so-called Day of Latvian Legionnaires and the activities related to it held in Latvia, which are Neo-Nazi in their essence, insult the memory of all fighters of the anti-Hitler Coalition, and the many millions of victims of the SS executioners and their henchmen.” This is “a direct challenge to the views of all true anti-fascists and fighters for human rights who oppose racism, xenophobia and anti-Semitism,” the document states.

On the same day, Russian Foreign Minister Sergei Lavrov expressed his dissatisfaction with the position of the EU countries that did not support the UN resolutions on the impermissibility of glorifying Nazism. “The (UN) General Assembly annually adopts a resolution on

the impermissibility of such events. These resolutions are not supported by the European Union countries. I think that this position of our European colleagues is shameful,” he said to journalists.

Konstantin Dolgov, the Russian Foreign Ministry’s Special Representative for Human Rights, Democracy and the Rule of Law, stated on April 12 that the Ministry of Foreign Affairs of the Russian Federation hoped that the Latvian government would not equate the Day of Remembrance of SS Members with Victory Day. “Moscow paid attention to the call of Archbishop Zbignevs Stankevičs, the head of the Latvian Catholic Church, to introduce a single Remembrance Day for those in Latvia who honor the veterans of the Latvian Waffen-SS legion on March 16 and for those who celebrate Victory Day on May 9, and thereby ‘unite and reconcile Latvian society.’ In fact, it means giving the same status to the Day of Remembrance for SS Members and Victory Day,” Dolgov said in comments published on the official website of the Ministry of Foreign Affairs of the Russian Federation. He was confident that “this initiative had nothing to do with caring about true reconciliation of Latvian society and merely contributed to fomenting racist and xenophobic sentiments and deepening interethnic conflict in Latvia.”

At the PACE session in Strasbourg in April, the Russian delegation called for a fight against Nazism. In his statement, Boris Spiegel, a member of the Federation Council and president of the World Without Nazism international human rights movement, sharply criticized a number of Eastern Europe countries for connivance in the development of right-wing radical and Neo-Nazi tendencies in these countries. The Russian senator made a proposal to the PACE members who represented the parliaments of European countries to adopt a model law on countering the glorification and revival of Nazism. Then he submitted this model law for discussion in the Inter-parliamentary Assembly of Member Nations of the CIS, and it was unanimously passed by the Assembly’s deputies within a month.

At a meeting of Russian Foreign Minister Sergei Lavrov with Janez Lenarčič, the director of the OSCE Office for Democratic Institutions and Human Rights, held on December 6, the minister directed Lenarčič’s attention to the mass “statelessness” issue in the Baltic countries and called on him to contribute to solving this problem. The need to counter the growing manifestations of Nazism, intolerance and Neo-Nazism in a number of European countries was also stressed.

In November, Vladimir Zheglov, the senior advisor of the Russian Permanent Mission at the UN in Geneva, opposed any justification of Nazi criminals in his statement at the Third Committee of the UN General Assembly on social and humanitarian issues. He expressed his concern over the ideas of revanchism and the falsification of Second World War history, and over the erection of memorials to collaborationists and members of punitive squads in Latvia and Lithuania.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities	5
×	Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period	5
×	International declarations and initiatives of the monitored countries and the leading politicians against discrimination, neo-Nazism and xenophobia	5
	Total for section 14	15

CONCLUSION

The consequences for the development of the country and society based on the analysis and with the consideration of the aspects stated below.

1. Human rights

- *Guarantees for minorities against any form of discrimination.*

Minorities in Russia first of all are protected with the Constitution of country, the Criminal Code and Law “On Counteraction of Extremist Activities” (2002). The Russian legal basis for the protection of minorities requires improvement, first of all, in anti-discrimination legislation.

Furthermore, in a society with quite a high rate of xenophobia, discrimination is often manifested in practice and indirectly, which is impossible to regulate fully by legislation, namely in everyday behavior, job placement, education, renting housing, health care, etc. The situation in Russia is aggravated by the existence of national republics in which representatives of “the titular nation” often have privileges based on the established traditions of human interaction.

- *Observance of the regulations of the fundamental human rights documents (the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Charter of Fundamental Rights of*

the European Union, as well as in compliance with the recommendations of the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.)

Russia observes these regulations and recommendations. It must be admitted that in recent years, law enforcement bodies have started pay far more attention to offenses and crimes based on hatred and punish people more severely for the committing them. Despite pressure from Russian nationalists and some deputies of the State Duma, the county's authorities have not abolished Article 282 of the Criminal Code, which imposes penalties for "fomenting racial, ethnic and religious discord." Several of the most odious racist organizations have been banned. The fight against the racism on the Internet has started.

At the same time, the fact of selective anti-racist law enforcement is conspicuous. For example, xenophobic and inflammatory statements of governors, leaders of the main political parties or well-known members of the State Duma have never been brought to court.

A significant flaw in the attitude of the Russian authorities and the legal system to the fight against racism, radical nationalism and xenophobia is, first, the fact that the main emphasis is not on prevention, but on the mitigating the consequences. In other words, tough actions have precedence over educational ones.

Second, the most important legal concepts ("extremism," "xenophobia," "racism," "direct" and "indirect discrimination," etc.) still have no clear definition in Russian legislation, which makes it possible to abuse and illegally exploit the respective legislative regulations.

Third, there is no specialized body for combating racism, xenophobia and anti-Semitism.

Fourth, criminal statistics in Russia leave much to be desired, and there are many known cases of manipulation of statistical data, which makes it impossible for the public to have objective information about racist and xenophobic crimes.

Fifth, with very few exceptions, purposeful scientific research on racism and discriminatory practices is not being conducted.

Sixth, the discussion of these issues is not included in educational courses either in schools or in higher educational institutions.

Despite the commitment of law enforcement bodies to fight against racism and xenophobia in cyberspace, the effectiveness of these activities remains low: in 2012, the Internet was overflowing with texts and statements provoking and arousing hatred for "others."

- *Differentiation between rights and freedoms of the titular nation and those of national minorities.*

Officially, there is no such differentiation in Russia, since it is absent in the legislation. Though in practice such cases occur, especially in big cities and national republics in which citizens of the titular nation de facto have more opportunities than representatives of national minorities.

- *Legislation securing inequality of minorities.*

There is no such legislation in Russia.

- *Rule-making in defense of minorities.*

The Constitution of the Russian Federation protects the rights of minorities. Russian laws also allow for adequate protection of the rights of minorities. The main issue in Russia is not the legislation, but in law enforcement, which is selective and optional. However, some laws also contain unclear formulations, which results in perversion of the essence of laws and to wrongful law enforcement.

- *Legislation and law enforcement practice with respect to migrants.*

In 2012 migration laws were still underdeveloped, which enables abuse of power by law enforcement bodies and employers. Law enforcement practice leaves much to be desired as well: migrants still face discrimination in employment, housing and education.

A dangerous level of migrant-phobia is observed in Russian society, which in turn provokes an increase in general xenophobia and various interethnic and religious animosities and conflicts. However, the authorities see the real danger of the situation and are perfectly ready to resist these processes.

The danger of the situation in any country is that if politicians and authorities fail to reverse certain social tendencies, society either replaces these politicians or they are forced to take public sentiments into account. This process can already be observed in many Russian regions, where local leaders having felt the popularity of nationalist ideas try to play the respective political card and also play on voters' basest feeling.

In order to make the struggle against these tendencies more effective, systematic efforts to prevent xenophobia, radical nationalism and various forms of racial discrimination must be made.

2. State of society

- *The danger of infringement or non-fulfillment of current laws directed at protecting the rights of minorities or at discriminatory practices against members of minority groups.*

These facts supported by inadequately formulated anti-discrimination legislation result in a decrease in self-realization opportunities for

citizens, a split in society, the exclusion of minorities from social processes and, eventually, to the weakening of the state.

In some republics “the titular nation,” although a demographic minority, in practice has advantages in various spheres of life over the ethnic groups which dominate demographically. To an even greater extent this concerns “titular nations” that make up a demographic majority their republics. But in a number of republics, “the titular nation” does not have strong positions in power. That is why every Russian region requires special attention, and it would be wrong to make any sweeping generalizations.

There are some special problems caused by the return of religion in social life, which arouses very controversial issues. On the one hand, some “non-traditional” religious groups face discrimination and their members are deprived of equal opportunities. On the other hand, in some religious communities “escape from reality” is cultivated. Members of these communities deprive themselves of self-realization in work and social life.

- *The identity question as a manifestation of xenophobia and extremism affects the self-identification of minorities, as well as identification of minorities by the majority (the growth of social phobias).*

The level of xenophobia in Russia is unusually high today, while phobias against various ethnic groups vary in their intensity. Ethnically, the highest level of xenophobia is caused by newcomers from the Caucasus (including Chechen), then come Gypsies and newcomers from Central Asia. Not only Russians feel that way, but also Tatars, Bashkirs, the Komi people, etc. In this context, the idea of Muslim unity does not work. The increase in xenophobia is promoted by the theme cultivated by the mass media of the struggle against “ethnic crime,” which essentially leads to ethnic groups being accused of “criminal behavior.”

In religion, an increase in Islamophobia is observed, mostly related to the fear of the Wahhabis’ acts of terror. Xenophobia causes increased alienation of the groups suffering from it, and their isolation, consolidation and retaliatory Russophobia. That is why in recent years domestic conflicts have easily become intractable interethnic conflicts and have resulted in demands for “the expulsion of migrants.”

3. Socio-economic development of the country

(Whether manifestations of various forms of xenophobia and extremism affect the socio-economic development of the country)

- *Living standards of the population.*

An increase in xenophobia and extremism leads to the growth of isolationist public sentiments, as well as to demands to put an end to

the mass flow of migrant workers. However, as experts say, considering the present unfavorable demographic situation in the country, the Russian economy cannot exist without migrant workers' involvement. The rejection of this help could result in a serious crisis in whole sectors of the economy (first of all, in construction), which would obviously have an adverse effect on the living standards of the population. Furthermore, xenophobia may lead to the outflow of the working population and the decline of entire industrial sectors such as science, health care, education and culture, which happened, in particular, at the turn of 1980–1990s because of the mass exodus of Jews in the USSR.

- *Economic perturbations, instability.*

The outflow of the most active working population and the rejection of migrant workers' involvement doom the country to stagnation and subsequent decline, which could result in a sharp drop of standards of living and social upheavals.

- *Lower productivity growth, emigration of the working population.*

General ageing of the population, reductions in domestic manpower resources and the outflow of the highly educated workforce make sustainable development impossible without the involvement of a workforce from abroad. That is why the xenophobes opposing this in reality undermine the country's economy and doom it to disaster.

4. Security and geopolitical stability of the region

- *Political stability in the country.*

The high rate of xenophobia causes permanent conflicts based mostly on religion or ethnicity, since people infected with xenophobia are inclined to see the ethnic or religious background in any everyday quarrel, which can result in mass mobilization and escalation of the conflict.

In such an atmosphere, there are always politicians ready to use xenophobic public sentiments for their own promotion and to get elected. If they manage to do this, in order to fulfill their pre-election promises, they try to mobilize society in the search for "the enemy," which politicizes the conflict and takes it to the level of socio-political confrontation, as happened at the beginning of the 1990s in many former Soviet republics.

- *Influence of xenophobia and extremism inside the country on external security, relations with third countries and international security in the region in general.*

Under present-day conditions the examined scenario may isolate the country from the world community and turn it into a rogue country.

First, it becomes unable to integrate into the world economic arena and loses its attractiveness for foreign investors; second, it is deprived of essential manpower resources in the form of migrant workers from abroad; third, it loses its attractiveness for education and tourism. There is also deterioration of relations with neighboring countries whose people face discrimination and street violence (in recent years, neighboring CIS countries have repeatedly appealed to the Russian authorities protesting against the deaths of their compatriots murdered by youth racist bands). For now these processes are found as tendencies in Russia, but if the negative scenario develops, this tendency is fully able to turn into a large-scale international and socio-economic problem.

RECOMMENDATIONS

1. *General recommendations on the accession to international agreements and conventions.*

Experts consider it important to recommend that Russia accede to the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as of December 18, 1990. They highly recommend that Russia ratify Convention No. 143 of the International Labor Organization Concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, June 24, 1975.

2. *General recommendations on amendments to the legal base.*

Russia should develop detailed anti-discrimination legislation with differentiation between direct and indirect discrimination and an effective mechanism for preventing phenomena such as institutional racism. It is also necessary to introduce clear and unequivocal definitions of such notions as “extremism,” “xenophobia,” “racism” and “discrimination” into the legislation in order to stop the improper and extremely broad interpretation and enforcement of these concepts. It is also essential to update the legislation with respect to social assistance for foreigners temporarily residing in the Russian Federation.

3. *General recommendations for executive bodies responsible for law enforcement and observance of human rights.*

First, citizens must strictly observe the laws regardless of their social and political status. The law must be the same for everyone, including high-ranking officials and State Duma deputies.

Second, while paying the same amount of attention to the prosecution of criminal actions on the grounds of racial, ethnic and religious

hatred, the stress must be shifted from mitigating their consequences to preventing them, i.e., to instilling in society, in particular, youth, a tolerant attitude towards “strangeness” regardless of its political, social, religious or cultural nature. Therefore, youth must learn about the culture of interethnic communication, including intolerance towards manifestations of racism.

Third, officials and the State Duma deputies must adopt a moral code prohibiting xenophobic rhetoric and discriminatory practices.

Fourth, a similar code must be adopted for the journalism community. The code must contain strict sanctions against violating, up to temporary or permanent deprivation of the right to the relevant professional activity.

Fifth, in order to register political parties, it is necessary not only to analyze the clauses of their programs, but also to consider the service record of their leaders, including xenophobic statements, publications and political activities related to organizing xenophobic campaigns. Politicians who achieved their positions on a racist and xenophobic platform should not be permitted to run for elections. Finally, specialists who have detailed information about radical movements and their leaders and ideologists should be involved in forensic investigations of extremism cases, rather than linguists and psychologists.

Sixth, work on combating xenophobia, radical nationalism and *discrimination* at the national political level must be allocated to separate branches, and Ministry for Nationalities, as well as a separate federal service involved in the issues of law enforcement practice in this area must be established in the executive power structure. This would make it possible to increase its overall effectiveness.

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¹¹² <http://газета-уральский-рабочий.рф/society/4420/>, <http://газета-уральский-рабочий.рф/society/4660/>

¹¹³ http://www.aen.ru/index.php?page=brief&article_id=63353

¹¹⁴ <http://polit.ru/article/2012/03/28/misuse2011/>

¹¹⁵ <http://nazaccent.ru/content/5785-tvorcheskaya-intellienciya-potrebovala-prekratit-presledovanie-rossijskih.html>

¹¹⁶ Ibid.

SUMMARY OF INDICATORS FOR 2012

No.	INDICATORS	SCORE
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-7.5
2	Xenophobia and inflammatory statements by members of the authorities and media	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	12.5
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
5	Activities aimed at promoting tolerance and preventing extremism	5
6	Status of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	-2.5
7	Incitement of religious and ethnic hatred	-10
8	Radical nationalist groups and parties	-17.5
9	Extremist and radical nationalist public actions	-10
10	Racist attacks, violence and terror	-25
11	Presence, popularity and size of anti-fascist and anti-racist movements	15
12	Glorification of German National Socialism and collaborators of Nazi Germany	-7.5
13	Persecution of veterans and partisans of the anti-Hitler coalition	0
14	International aspects	15
	Total	-32.5

UKRAINE

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

Indicators

- Discriminatory legislation affecting minorities residing in Ukraine in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

In general, Ukraine does not have discriminatory legislation. However, several laws and regulations have been recently adopted that can be considered discriminatory.

Thus, in December 2012, Ukraine adopted a Law “On freedom of conscience and religious organisations.” The law complicates the registration of religious organisations, enables a wide range of government bodies to control the activities of religious organisations (among these bodies are prosecution authorities, Ministry of Culture, other ministries and institutions, local government administrations and local authorities). The law also maintains the permission order for religious organisations to conduct peaceful public events, which directly contradicts the Article 39 of Constitution of Ukraine.

Furthermore, the law introduces a provision, which states that the religious activities of foreigners is regulated by the central body for religious affairs — Ministry of Culture of Ukraine. This brings more contradictions into the normative legislation of Ukraine aimed at the activities of foreign priests, teachers and students of religious schools, volunteers, etc.

On 2 October 2012, Verkhovna Rada (Ukrainian Parliament) adopted a bill “On amendments to several legislative acts (on the protection of children’s rights to a safe informational space)” in first reading. The bill provides for criminal responsibility for *any* mention of homosexuality in positive, negative or neutral context.

Another discriminatory norm present in Ukraine is a regulation prohibiting a person with a criminal record to run for people's Deputy (Member of Parliament).

- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

Ukraine has no legislation which restricts residents' voting rights on the above mentioned grounds.

- Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.

In spring, local councils of Galicia introduced bans on celebrations of May 9th; * attempts were made to equate Victory Banners to Nazi symbology. Meanwhile, on September 3, Verkhovna Rada registered a draft resolution “on celebrating 70th anniversary of the Ukrainian Insurgent Army.” Thus, rehabilitation and glorification of the UIA started to gain support at the government level.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health-care, worship, etc.

In May, human rights activists recognised the imperfection of the existing legislation on the rights of ethnic minorities and indigenous peoples. A particular challenge for the society is the formation of anti-discriminatory practices. According to the results of a sociological survey, conducted by the Kiev International Institute of Sociology, 49.9% of respondents believe that discrimination is present in Ukraine (harassment, violation of rights of certain Ukrainian residents on various grounds). Of those, 15.9% attributed this to ethnicity, 10.2% — to religion.¹

Articles of the Criminal Code related to humiliation or insults on ethnic grounds work poorly in practice. In spring, Russian-speaking residents of Donbas and Donetsk expressed their dissatisfaction with the low status of Russian language in the region.

There were also several cases of discrimination against Roma in Ukraine, in 2012. Particularly, this related to Roma children in Odessa region, who were put in separate school buildings (in Izmail, they were put in schools for mentally disabled). In several cases, local authorities refused to provide Roma with children's birth certificates

* Day of Victory over Nazism, celebrated throughout the former Soviet Union — *editor's note.*

and passports, which would limit their access to education, healthcare, obtaining property ownership rights. A survey showed that 22% of Roma did not have identification documents. More than 18% of them did not finish primary education, and only 2.5% got into higher education.

In the religious sphere, one of the most sensitive issues of 2012 was related to property rights of the Russian and Ukrainian Orthodox Church of the Moscow Patriarchate, as well as the Ukrainian Greek Catholic Church. Simferopol City Council’s refusal to allocate land for the construction of a Cathedral of Christ the Saviour was perceived as discrimination of Crimean authorities against the followers of the Ukrainian Orthodox Church. The bill “on amendments to several laws of Ukraine (regarding the allocation of cultural heritage to religious organisation)” was also perceived as ambiguous.

Head of the Ukrainian Greek Catholic Church, Svyatoslav Shevchuk spoke against the partition of church relics, “which at various periods of history belonged to different faiths of once united Kiev Church, but are now planned to be given to only one of these four confessions — namely, the Ukrainian Orthodox Church.”

In turn, People’s Movement of Ukraine spoke against the attempt to introduce amendments to the Statutes of the Ukrainian Orthodox Church, which would restrict its autonomy.

At the same time, Kiev authorities attempted to take land from the Kiev Jewish religious community through court in May. Furthermore, press was not allowed to attend in the courtroom.

In Crimea, tensions remained due to the “absence of laws aimed at eliminating the consequences of deportation of Crimean Tatars and decades of discrimination in places of exile.”

This was admitted by the representative of Mejlis of the Crimean Tatar People in a conversation with the UN delegation. In February, Council of Europe recognised that the situation of Crimean Tatars has not improved. In July, President of Ukraine Viktor Yanukovich stated that the government is gradually solving problematic issues related to resettlement of Crimean Tatars. Thus, Verkhovna Rada adopted a Law “On the resumption of rights of persons deported on ethnic grounds.”

PRESENCE OF CRITERIA	INDICATORS	SCORE
-/×	Discriminatory legislation affecting minorities residing in Ukraine in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-2.5

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin	0
–/×	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication	–2.5
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	–5
	Total for section 1	–10

2. Xenophobia and inflammatory statements of the authorities and in the media

In 2012, aggressive rhetoric was typical for Ukrainian society in general, and related not only to xenophobia, but also to the political struggle in which opponents used sharp statements not only against each other, but also about the state of Ukrainian society, Ukrainian history, etc. This is particularly related to the confrontation between Western Ukrainian politicians and everyone else. Representatives of the “Party of Regions” do not accept Western politicians’ desire to impose their values on all Ukrainians. Some Party of Regions members claim that “Galicia is brought up on the values of collaborationism and fascism,” whereas “the Great Ukraine — Eastern, Central, Southern and Northern — was brought up on other values.” At the same time, representatives of the West-Ukrainian radical All-Ukrainian Union “Svoboda” (“Freedom”) consider themselves as the bearers of true Ukrainian values and call to abandon all vestiges of the Soviet past, including the Russian language.

This confrontation escalated in 2012, due to parliamentary elections to Verkhovna Rada. Moreover, during the election campaigns, various politicians several times resorted to anti-Semitic rhetoric. This was particularly true for the popular newspaper “Young Ukraine” (Ukraina Molodaya), which supports “Our Ukraine” (Nasha Ukraine) party, led by Viktor Yushchenko. Authors of this newspaper and the anonymous election leaflets frightened the public with “world Zionist conspiracy”

and the dominance of “Jewish lobby.” Another technique used against the opposition was accusations of their “Jewish origin.”

Deputy of the Lviv regional council Irina Farion was particularly famous for her sharp statements, calling to abandon “tolerant” politics in order to put an end to “slavery.” She urged to fight the “occupation” and “retaliate.” Member of Svoboda’s political council, deputy chairman of the Svoboda faction in Lviv city council Yuri Mikhalchishin talked about “tears of rage” and stated that “where tears of rage are falling, grapes of vengeance shall grow”

Irina Farion, being elected to Verkhovna Rada from Svoboda party in late October, stated her intentions to introduce a fine for the use of Russian language. She suggested to impose a special tax on the use of Russian language.

Meanwhile, a member of the Svoboda party, newly-elected deputy Igor Miroshnichenko called a Chernivtsi native, Hollywood actress Mila Kunis, a “Jewess.” He wrote: “She is not Ukrainian, she is Jewess by birth... Therefore, I cannot bring myself to call her one of our own. Let her love America or Israel, no need to stick her to Ukraine!”

It is worth noting that Ministry of Justice of Ukraine stated in December, that Ukrainian legislation does not have a ban on the derogatory use of the word “Jew.”

Anti-Semitism is not uncommon among the members of other parties as well. For example, Deputy from the “Our Ukraine” party Grigory Omelchenko stated that the main enemies of the independent Ukraine is the “Russian nuclear empire” and a shadow government formed by the “international Zionism.” According to him, Russian foreign policy “with its superpower chauvinism” is aimed at domination of territories that ceded after the collapse of USSR. Whereas Zionists supposedly took control of all financial and banking systems, multinational companies, medicine, pharmaceuticals and media in Ukraine. In particular, Omelchenko brought up such accusations against the president of the European Jewish Union, billionaire Igor Kolomoisky.

In May, a homophobic campaign was hosted on the Ukrainian web, related to a concert in Odessa supporting the demands of the LGBT community.² Tone was set by the online newspaper of the All-Ukrainian public organisation “ZUBR.”

Ukrainian public was shocked by the racist statement of a member of Svoboda’s political council Yuri Sirotyuk about the concert of Ukraine’s national selection for Eurovision Song Contest 2012, which was held in Kiev on February 18. The winner of the concert was a Kiev resident Gaitana (Gaita-Lurdes) Essami, who lived in her father’s homeland, Republic of Congo, for up to five years, returning to Ukraine with her mother. Sirotyuk stated on February 20th, “Eurovision should be a show of national talents. Gaitana is a supranational talent, eroding very

meaning of Eurovision. It would be better if a person that represents exactly Ukraine went to this competition. Otherwise, it looks like we do not want to show our face. Ukraine would be associated with another continent — somewhere in Africa. Ukraine would never be accepted into the EU with such policies. Such policy is an absolutely illogical choice. This will happen at every selection to Eurovision, as long as the National television is managed by Walid Harfouch, far from everything Ukrainian. The millions who will watch this show will see that Ukraine is represented by a person not of our race, entrenching the notion that Ukraine is somewhere in the faraway Africa.”³ This statement was condemned by the human rights activists, politicians, public figures and government officials.

In January, an incident occurred in Kamenetz-Podolsk, when deputy from the All-Ukrainian Union “Svoboda” called the veterans of the Great Patriotic War “watchdogs of power” at a City Council session.

During the election campaign in Ukraine in October 2012, a popular daily newspaper “Young Ukraine” (circulation — more than 100,000 copies), whose sympathies clearly lie with Viktor Yushchenko’s party “Our Ukraine,” wrote that there is only 36% of “members of the titular (indigenous) Ukrainian nation” in Verkhovna Rada, and Ukrainian Parliament itself, by its national composition “is a large branch of the Russian State Duma and Israeli Knesset.”⁴

According to the Jewish Forum of Ukraine, the country has a serious problem with the free distribution of neo-Nazi literature. Works by xenophobic authors, primarily of anti-Semitic and anti-Russian nature, are being openly sold in Kiev.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Xenophobia and inflammatory statements of the authorities and the media	-5
	Total for section 2	-5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist and anti-extremist legislation, and legislation directed against incitement of ethnic and religious hatred in the country.

Article 24 of Ukrainian Constitution provides the prohibition of any restriction of rights based on race, colour, religious beliefs, language, or any other characteristics. Country's Criminal Code also contains articles containing penal sanctions for manifestations of racism and aggressive nationalism. However, antiracist and anti-Nazi legislation remains generally underdeveloped.

In 2012, the formation of an active civil society in Ukraine was taking place with the absence of government's ethnic policy. This was mainly due to the elimination, without adequate replacements, of the profile Committee on Nationalities and Religions, and the Ethnic Policy Council under the President of Ukraine. Functions in the prevention of various kinds of extremism were blurred between several government bodies and structures; there was also lack of specialist on such issues and no programme for the introduction of tolerance. The general situation with human rights had also deteriorated. In February, European Commission against Racism and Intolerance stated that the dissolution of the State Committee on Nationalities and Religion in Ukraine created a vacuum in the struggle against xenophobia and racial or ethnic discrimination.

At the same time, attempts to introduce anti-Nazi legislation are met with a considerable resistance of a number of Ukrainian MPs. In February, Verkhovna Rada rostrum was blocked during a discussion of two bills, which proposed to criminalise desecration of graves. A bill by Petro Symonenko, leader of Communist Party of Ukraine faction, and Valery Bevez, head of Verkhovna Rada Committee on Struggle against Organised Crime and Corruption, proposed to supplement the Criminal Code with a new article, "Public denial or justification of fascist crimes." A bill by Vyacheslav Kirilenko, member of "Our Ukraine," proposed to punish desecration of graves and monuments to the repressed and fighters for Ukrainian independence (soldiers of OUN—UIA). If adopted, these documents would introduce criminal responsibility for desecration of graves, up to imprisonment for 5 years. After heated debates, deputies did not support any of the bills (Symonenko lacked only two votes, Kirilenko lacked more than 130). The deciding argument against them was the absurdity of demarcation of graves' significance.

In May, Symonenko returned to this issue, proposing to amend Article 297 of the Criminal Code of Ukraine, which criminalises desecration of graves, but not covering monuments. He suggested to strengthen the criminal responsibility for the desecration or destruction of monuments, objects commemorating those who fought against Nazism during World War II — Soviet soldiers, members of the partisan movement, the underground, victims of Nazi persecutions, as well as internationalist soldiers and peacekeepers. On May 16th, Ukrainian Parliament refused to include this bill into the agenda, with only

32 deputies voting “in favour” (communists and just 5 members of Party of Regions). Other factions did not support this bill.

On June 5, Party of Regions faction failed the vote in the second reading of the draft resolution “On recommendations of parliamentary hearings on “Ethno-national policy of Ukraine: Achievements and Goals,” which contained specific instructions to the government bodies, aimed at protection of rights and interests of ethnic minorities. The project is considered to have been rejected and removed from consideration.

On 6th September, Petro Symonenko and Valery Bezv offered parliament to introduce criminal responsibility for public justification of fascist crimes. Specifically, it was suggested to outlaw public denial or justification of Nazi crimes against humanity committed during Second World War, as well as propaganda of Nazi ideology, production and/or distribution of materials justifying Nazi crimes. Three months later, Symonenko — this time with Igor Alekseev — registered a bill “On amendments to the Criminal Code of Ukraine regarding responsibility for public denial or justification of fascist crimes,” which was proposed to criminalise the denial of fascist crimes in Ukraine. They also proposed that parliament considers a bill “On amendments to Article 297 of the Criminal Code of Ukraine (regarding strengthening the criminal responsibility for the desecration or destruction of monuments dedicated to the memory of those who fought against Nazism during World War II — Soviet soldiers, members of the partisan movement, the underground, victims of Nazi persecutions, as well as internationalist soldiers and peacekeepers).” However, all these initiatives remained unimplemented in 2012.

In addition, deputies from the Communist Party Petr Tsybenko and Yemelyan Paren, brought up another bill for parliamentary consideration, “On amendments to several legislative acts of Ukraine (on the preservation of street names related to the Great Patriotic War of 1941–1945).” The bill proposed to prohibit renaming of streets, whose names are associated with the heroic fight against the fascist invasion.

In December, Verkhovna Rada deputy from the Party of Regions Vadim Kolesnichenko introduced a bill “On the prohibition of hate speech and statements that violate human dignity,” proposing a ban on the use of offensive nicknames like “Yid,” “Khokhol,” “Moskal” and the like.⁵

At the same time, the adoption of the law “On the principles of the state language policy” in July 2012 became an important factor in the development of legislation directed against the incitement of ethnic hatred.

The law gave regions the right to give various languages the status of “regional” — i.e. used on equal terms with the official, Ukrainian language. This applies to all languages available in the region (region is defined as Oblast, Autonomous Republic of Crimea, district, city, town of village). The language has to be considered native by more than

10% of people in the region, according to the population census. Thereafter, the regional language can be used in various fields in the region, and can be used instead of the official, Ukrainian language.

The law did not receive an explicitly approving assessment by ethnic minorities nor the Ukrainian society. Ukrainian ethnic minorities never openly discussed this bill, never heard the arguments of its authors and never expressed their wishes or comments. Their main complaint is the high percentage required of a minority language to grant it the status of regional. Nevertheless, this law with all its faults is an obvious step forward in the development of legislation in the interests of national minorities, which sets an example in solving the language issues for many post-Soviet countries.

- Presence and improvement of anti-discriminatory legislation.

The report of the European Commission against Racism and Intolerance, published on 21 February 2012 (adopted on December 8, 2011, and covers the period of up to June 23, 2011) contained sharp remarks towards Ukraine. The Commission had previously stated the human rights violations regarding the use of native language in Ukraine, and recommended it to fulfil the European Charter for Regional and Minority Languages.

Specifically, the Commission called on Ukraine to “ensure the effective protection of the rights of persons belonging to national/ethnic minorities and ensure their equality in all fields.” It was recommended to introduce provisions into legislation, which would prohibit direct or indirect racial discrimination. Ukrainian authorities were also recommended to form language legislation that would fully account for the diversity of Ukraine and duly reflect the principle of non-discrimination. It was stressed, that Ukraine’s language policy is still based on the Law on languages of 1989, and the Law on national minorities of 1992, which were criticised for lack of clarity, as well as for not meeting the standards set by the European Charter for Regional or Minority Languages. In March, Ambassador Extraordinary and Plenipotentiary of the Federal Republic of Germany to Ukraine Hans-Jürgen Heimsoeth stressed that the European Union demands to accelerate the work on anti-discriminatory legislation in Ukraine and make decisions on complex issues in this field.

On February 15, Cabinet of Ministers of Ukraine, executing the National Action Plan on liberalisation of the visa regime with the European Union, approved the strategy to combat discrimination in Ukraine. At a government meeting, Minister of Justice Oleksandr Lavrynovych presented the Strategy, explained its necessity with the lack of a conceptual definition of the government policy in this sphere, as well as lack of activities of the relevant government bodies, strategic

objectives, targets and standards on ensuring the implementation of human rights, which would allow to increase the effectiveness of countering discrimination. The Strategy was then transferred to the President of Ukraine for signing.

In June, the majority of deputies (239) in Verkhovna Rada voted for the adoption of the law “On the principles of prevention and combating discrimination in Ukraine” in the first reading. The authority to prevent and combat discrimination was proposed to be given to Verkhovna Rada, Human Rights Ombudsman, the Cabinet of Ministers, other government bodies, authorities of the Autonomous Republic of Crimea, local government authorities and NGOs. The law was adopted in early autumn, and came into effect on October 4. Anti-discrimination assessment was also introduced for Ukrainian bills and other normative legislative acts.

According to the law, discrimination is defined as action or inaction resulting in limitation of privileges of an individual, or a group of persons, on the basis of race, colour, political, religious or other beliefs, gender, age, place of residence, language, or other characteristics, if they prevent the recognition of realisation of equal human or citizen rights and freedoms.

However, not all experts are favourably assessing this law. According to Irina Fedorovich — co-ordinator of the Coalition on countering discrimination in Ukraine — the law “On the principles of prevention and countering discrimination” needs drastic improvements. Fedorovich claims that “The law, hastily passed to demonstrate the country’s implementation of external political obligations, unfortunately, is not currently an effective protection from discrimination and does not establish a procedure for appealing against discriminatory actions. Thus, anyone who was faced with discrimination does not have the ability to defend their rights and be compensated.”⁶

Ukrainian experts are not the only one criticising this law — Council of Europe and European Commission’s assessment was also unfavourable.

In early October, Ukraine’s Ministry of Justice started developing a package of amendments to this law and other legislative acts.

Since February, Ukraine had active discussions of the bill “on the principles of state language policy,” which guaranteed the right to free use of native language for any Ukrainian citizen. The law received approval from more than ten Ukrainian universities and was supported by the representatives of ethnic minorities, groups of academics and intellectuals, as well as positively evaluated by the Venice Commission (European Commission for Democracy through Law). In June, the bill passed the first reading in the Ukrainian Parliament. Its discussion had divided the society, with Ukrainian authorities receiving an appeal on the need to preserve the status of Ukrainian language as the only official language in Ukraine.

On 3 July 2012, the project was adopted in second reading by 248 votes.

After a meeting with the opponents of the law “On the principles of the state language policy,” President Viktor Yanukovich signed it, instructing to work on the necessary amendments before September 27. According to the President, the law has to be supplemented with “fuses,” which would guarantee the development of Ukrainian language. At the same time, the document allows the emergence of various regional languages in different regions of the country. Party of Regions, which Yanukovich is a member of, was interested in the adoption of this law, however, as a head of state, he had to eliminate the tension in the language issues and neutralise the conflict.

Aspiration for a visa-free regime with the European Union forces the Ukrainian authorities to improve the anti-discrimination legislation. In 2012, for example, the government began developing a law prohibiting discrimination of homosexuals, which caused a strong controversy in Ukraine. Commenting on this, Foreign Minister of Ukraine Leonid Kozhara stated that “without the law that prohibits discrimination against gays, we cannot move through towards the abolition of visas. I think that the will to integrate into the EU outweighs the resistance, and the law will be passed.

Diplomat also stressed that to further the visa-free regime with the EU, it is necessary to introduce a document to the Labour Code that would prohibit discrimination against gays. He noted, that the Orthodox Church is opposed to such ruling.⁷

- Compliance of the authorities (central regional, municipal), the law enforcement and judiciary, with anti-Nazi, anti-racist and anti-extremist legislation. Compliance with anti-discriminatory legislation and legislation directed against the incitement of ethnic and religious hatred.

In general, the current anti-discriminatory legislation is complied with, though not without resistance of some regional authorities. This is particularly true with the law on regional languages.

The reaction to the new language legislation was different in various regions and among different ethnic groups. On March 16, Lviv regional council approved a programme for the development of Ukrainian language, culture and historical consciousness of Ukrainian citizens in the Lviv region for 2012–2014. One of the items of this resolution was the ban to include Russian music and songs in Russian language in public transport. According to the Lviv deputies, realisation of this programme will expand the functions and spheres of use of the state language, as well as spread Ukrainian culture in all its forms and create an integrated national informational and cultural space.

On October 9, Lviv city council, on Deputy Irina Farion's proposal, declared the law "on the principles of state language policy" inactive within the region, due to the "anti-state nature of the law and gross violations during its adoption."

On the same day, Ivano-Frankovsk regional council followed this example, although the prosecutor, in his protest, demanded to cancel the item of the resolution "On maintaining the provisions of the Constitution of Ukraine regarding the function of the state Ukrainian language in the Ivano-Frankovsk region," which declared the law inactive in the region. Prosecutor pointed out, that in making this decision, Ivano-Frankovsk regional council went beyond its authority, as defined by the law "On local self-government," as well as violating the article of the Constitution that demands local governments to act within its powers and in the manner provided by the Constitution and Laws of Ukraine.

Co-author of the law "On the principles of the state language policy," deputy from the Party of Regions Vadim Kolesnichenko stated on October 11, that since August 10 the law is operating throughout the whole territory of Ukraine, and that if the regional councils of Ternopol, Lviv and Ivano-Frankovsk will not comply with this law, the initiators of insubordination will be brought to administrative and even criminal liability.

Meanwhile, in its session on March 14, Sevastopol city council called to urgently consider the bill "On the principles of the state language policy." Deputies supported the idea of President Viktor Yanukovich that the main focus of the new Constitutional process is guaranteeing individual and language-cultural human rights, and the basis of the state language policy should be the governmental support of Ukrainian language with simultaneous guarantees of free development of Russian and other languages used by Ukrainian citizens.

After the language law had been adopted, the decision on regional languages was put into effect in several regions. On December 14, deputies of Tarasovetsk village council of Novoselitsky District, Chernivtsi region, recognised Romanian (Moldovan) language as regional. On December 18, deputies of Vinogradovskiy District Council, Transcarpathian region, made a decision to grant Hungarian language the status of regional (Hungarians make up 26.2% of region's population). On December 21, Transcarpathian Regional Council decided to grant the status of regional to Hungarian, Romanian and Ruthenian languages.

Towards the end of 2012, Russian language received the regional status in six regions of Ukraine: Odessa, Donetsk, Zaporozhe, Dnepropetrovsk, Lugansk and Kherson. One of the first ones to vote in favour was Sevastopol. However, Ternopol regional council (Western Ukraine) categorically refused to grant Russian the status of regional language and urged the judges of the Constitutional Court of Ukraine to recognise the law on languages unconstitutional.

Another topic that split the society was the issue of meaningful political symbology. On April 26, the majority of deputies in the Lviv city council (74 out of 90) voted in favour of adopting a resolution on the “Ban of USSR symbols, communist and Nazi symbology on the territory of Lviv,” proposed by a deputy from the All-Ukrainian Union “Svoboda,” Yuri Mikhalchishin, who stated that “Lviv is not a place for the flags of famine and swastikas.” The resolution contained the ban on the “use of communist, Nazi symbology and the symbols of USSR on the territory of Lviv, particularly on the government and public sector buildings of Lviv, as well as during the conduction of public events.” In May, this resolution was stopped by court, upon the request of the public prosecutor of Lviv.

On May 7, chairman of Ternopol regional council, member of Svoboda Aleksei Kaida, ordered to ban Soviet, communist and Nazi symbology in the region. In response, the city prosecutor issued a protest against this decision on May 8th, as it contradicts the Constitution and the Law “On perpetuation of the Victory in the Great Patriotic War of 1941–1945.” On September 8, Aleksei Kaida refused the prosecutor’s office order to remove the red and black (Bandera) flag from the administrative building of the region, stating that “As long as occupants are in power in Ukraine, Ternopol city council building, along with the state blue and yellow flag, will fly the red and black flag of national revolution.”

At a session of Ternopol city council in November, Svoboda members went even further and proposed to rename the Victory Day into the Memorial Day of victims of the Second World War, and outright cancel the Defender of the Fatherland Day (February 23). After prosecutor’s protest, the case was transferred to Ternopol Regional Administrative Court, which ruled to cancel this decision.

However, in June, Novozavodskiy regional council in Chernigov, in response to the appeal of Chernigov regional organisation of “Svoboda,” reprimanded the deputy chairman of the council for hanging out a red flag on the regional council building on May 9th 2012.

In Odessa region, the situation of Roma is improving. Since 2012, the region started implementing a project “Strengthening the legal rights of Roma of Bessarabia,” which is aimed at providing free legal assistance to the Roma population of Tatarbunary, Saratsk and Kilia districts when obtaining identification documents, registration procedures, etc. This is done by a regional organisation “Committee of Voters of Ukraine” supported by the MF “Revival” (“MF Vozrozhdeniye”) and with close cooperation with the local Roma organisations — Odessa Regional Roma Congress, Association of Roma in Tatarbunary District and the Association of Roma in Kilia District — with the assistance of the Main Department of Justice in Odessa region and its territorial divisions.

- Responses to hate crime (criminal proceedings against organisers and participants, convictions).

Most hate crimes are not properly classified by the Ukrainian law enforcement, either due to lack of professional qualifications of police staff and prosecution, or due to the reluctance to formally recognise the issue of xenophobic crime in the country. Government bodies do not have reliable statistics on hate crime rate, and therefore, there is no adequate perception of the size of the problem. Thus, the law enforcement decided not to institute criminal proceedings on high-profile cases of 2011 — early 2012, on the incitement of ethnic hatred and propaganda of fascism, intentionally classifying such crimes through other articles, probably to improve the statistics before Euro-2012. However, in spite of this, the Council of Europe drew Ukraine's attention to the problem of neo-Nazis and skinhead football fans on February 22.

In late January 2008, a Congolese man Joseph Bunte was murdered in Nivki (Kiev). Police arrested two 16-year-old residents on suspicion of murder, who, according to the Ministry of the Interior, were professing racist ideology. The police found fascist symbols in a phone of one of the detained, as well as a photo where around 30 people are saying "Heil Hitler" with a Nazi salute, and a picture saying, "kill the immigrant." *However, on February 10, 2012, the accused were found not guilty.*

On February 12, human rights activists of the Kharkiv human rights group raise a question on the reluctance to institute criminal proceeding in cases of racial, national or religious intolerance, in front of the Prosecutor's Office and Ukraine's Ministry of the Interior. Group's queries concerned the statistics of criminal cases on racial, national or religious enmity, crimes committed on the above-mentioned motives against foreign citizens, as well as the propaganda of racial, national or religious intolerance and discrimination in 2010/2011.

According to the human rights activists, proceedings on such crimes in Poltava, Sumy, and Kharkiv regions were never initiated or accepted by the Interior Ministry investigators. At the same time, hooliganism against foreign citizens in Sumy region was noted six times by the agencies in 2012. In Kharkiv, there were seven such cases, while in Poltava region, they generally "forgot" to provide such information, so either there were no such facts at all, or they are not being recorded, or, maybe, the police simply does not want to share such information.

Human rights activists claim that absence of criminal cases on the mentioned grounds does not indicate the absence of such crimes. However, majority of those are classified as domestic.

At a round table meeting, as part of a civil campaign against xenophobia and discrimination in Donbas, attorney Andrei Korchevni stated that the statistics of Lugansk law enforcement does not reflect the ac-

tual situation, as the police staff is trying to reclassify cases, when they are related to xenophobia. Most often, such cases are investigated by the law enforcement as hooliganism.

On September 17, Cabinet of Ministers instructed the Security Service of Ukraine (SBU), Ministry of the Interior, Ministry of Emergency Situations (MES) and the State Radio and Television to identify and prevent the distribution of materials inciting terrorism and change of the political system. The law enforcement was instructed to monitor appeals for violation of territorial integrity and inviolability of Ukraine, *appeals inciting national, religious or racial hatred*, and monitor actions that threaten public order. They were also instructed to identify and confiscate materials with calls to seize power, as well as inform the media of their activities in this area.

On October 4, the Supreme Administrative Court of Ukraine recognised the All-Ukrainian Union “Svoboda” a Nazi organisation. Thus ended a three-year legal battle between the Communist Party of Ukraine (CPU) and Svoboda, which started with the head of CPU Petro Symonenko stating that “Svoboda” is a Nazi organisation. However, this did not prevent it from participating in parliamentary elections and achieve an impressive success.

In general, we can conclude that the struggle against hate crimes was conducted only partially in 2012, while xenophobic crimes themselves, usually, were classified as domestic crime by the Ukrainian law enforcement.

- Unlawful use of anti-extremist legislation.

Cases of misuse of anti-extremist legislation in Ukraine were not recorded by monitoring in 2012.⁸

PRESENCE OF CRITERIA	INDICATORS	SCORE
–/×	Presence of anti-Nazi, anti-racist and anti-extremism legislation, legislation against incitement ethnic and religious hatred in the country	2.5
×	Presence of anti-discrimination legislation	5
×	Compliance of the authorities (central regional, municipal), the law enforcement and judiciary, with anti-Nazi, anti-racist and anti-extremist legislation. Compliance with anti-discriminatory legislation and legislation directed against the incitement of ethnic and religious hatred	5

PRESENCE OF CRITERIA	INDICATORS	SCORE
–/×	Counter-actions against hate crimes (criminal cases against organisers and participants, convictions)	2.5
–	Unlawful use of anti-Nazi, anti-discrimination and anti-extremist legislation	0
	Total for section 3	15

4. Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

President Viktor Yanukovich, in an address dedicated to the International Holocaust Remembrance Day on January 27, 2012, stated:

“It is concerning that today, many decades after the defeat of fascism, in some places of the world its terrifying shadow raises its head, persecuting people on religious or racial grounds. The memory of millions innocent victims impels us to do everything possible to prevent any manifestations of anti-Semitism, xenophobia, racism or intolerance in the Ukrainian society. Paying tribute to the victims of Nazism, we call upon all people of goodwill to understanding, mutual respect and tolerance.”⁹

In February, oppositional factions of the Verkhovna Rada (Ukrainian Parliament) appealed to the President of Ukraine with a request for a meeting, in order to discuss the issue of responsibility for inciting ethnic hatred, and the preventative measures against neo-Nazism in Ukraine. However, at the same time, some opposition leaders and the All-Ukrainian Union “Svoboda” support the Nazi collaborationists, who fought on the side of Nazi Germany during the Second World War.

On July 6, Luhansk regional council held an extraordinary session, on the request of public organisations, to discuss the political situation in Ukraine after the vote on the law on the principles of the state language policy. According to the chairman of the Luhansk regional council Valery Golenko, “This law removed the point of confrontation, but subsequent events concerned us. From the side of nationalist forces we hear curses, we are being called occupants — people do not understand that the law is the norm. Those who call themselves democrats, act not in support of Ukrainian language, but against Russian language and Russian-speaking citizens. These people speak against millions of peo-

ple. It is a dangerous policy, these politicians are pushing our country into the abyss.” He also noted, that nationalistic forces want to “reign” in Ukraine, wishing that there was only one titular nation. “This is not just nationalism, it is starting to smell of Nazism,” said the chairman of the regional council.

On October 2, Victor Yanukovich attended the International Summit on the protection of national minority rights “Ukrainian experience for the world,” where he stated his concern with the manifestations of xenophobia.

“We are concerned with the occasionally occurring facts of violent manifestations of xenophobia. Most of these conflicts have local personal character, but we must be vigilant.”

Yanukovich noted, that the increased migration flows, manifestations of radical ideologies and politicisation of this subject may cause these local incidents to turn into a serious threat. “We realise this, and we are working on prevention of such cases,” he stressed.

On October 11, Party of Regions condemned one of his members, head of the Volochysk regional administration Igor Dobzhansky, who allowed himself anti-Semitic remarks against his rivals.

At a round table “The spread of Ukrainian neo-Nazism — real threat to the future” on October 13 in Kharkiv, the leader of a non-governmental organisation “Oplot,” Evgeny Zhilin stated that “glorification of Ukrainian Insurgent Army (UPA) contradicts the European norms, since UPA fought a war against civilians and killed people on national basis.” The meeting was participated by the representatives of various NGOs (“Union of Soviet Officers,” “Labor Kharkiv,” the Union of Afghans, “Russian Veche” social movement “Essence of Time,” etc.), political parties (Communist Party of Ukraine, Progressive Socialist Party of Ukraine), university professors and veterans, who expressed their concern with the spread of neo-Nazism and fascism in the country, particularly amongst youth. Round table participants urged the authorities to conduct a determined fight against neo-Nazism and fascism, as well as adopt the laws aimed against the current practice of rehabilitation of UPA warriors, establish criminal responsibility for the dissemination of ideas based on racial and ethnic superiority, and any action glorifying the ideas of fascism, Nazism, and glorifying UPA, OUN and similar organisations.

On November 20, Prime Minister Mykola Azarov expressed his concern with the large support Svoboda received during the parliamentary elections on October 28.

“A relatively high percent of votes [for “Svoboda”] would cause concern in any democratic society. And my concern is caused by their alliance with those who call themselves democrats,” Azarov stated, “But, as we see, this alliance has done our opposition a disservice. Most likely,

this was due to the weakness of the current opposition, which did not offer the public any specific programmes, specific ideas, and was building its policies on sweeping criticism of the government.”

Parliamentary Speaker Volodymyr Lytvyn stated on November 23, referring to Svoboda — “Xenophobic and several other radical positions of the party require condemnation and even legal prosecution.” On November 1, MP from the Party of Regions Vadim Kolesnichenko, commenting on Irina Farion’s statement, said “Ukrainians have already been fined. We got national fascists in the parliament. I think that next time Ukrainians will understand that they made a mistake, and this will not happen again. This is a carelessness in the form of a fine to Ukrainian parliament, in the parliament. While Petro Symonenko stated on November 6th, that Svoboda’s passage to the parliament is a “direct threat to the national security of the country.”

Head of the Kiev Jewish Community, Vice-President of the All-Ukrainian Jewish Congress Alexandr Levin expressed his concern regarding Svoboda’s passage into parliament in November. He pointed out that its leader — Oleg Tyagnibok poses a threat not only to Jews of Ukraine, but also to the country as a whole.

On November 6, Presidium of the Association of Jewish Organisations and Community in Ukraine (Vaad of Ukraine) made a statement after the results of parliamentary elections, talking about the dangers of anti-Semitism in the political life of the country. The statement said — “A particular concern of the Jewish community is caused by the fact that during the election campaign, various political forces tried using elements of anti-Semitism in public rhetoric, in order to mobilise their supporters, as well as in propaganda aimed at discrediting political opponents. Vaad of Ukraine reminds about the inadmissibility of anti-Semitic rhetoric in electoral campaigns and political struggle in general.

Furthermore, Jewish community cannot but worry about the fact that elections demonstrated a high level of support for a political force, whose leadership has repeatedly demonstrated blatant anti-Semitism and other forms of xenophobia — the All-Ukrainian Union “Svoboda.”¹⁰

On November 29, leader of the public movement “Ukrainian Choice” Viktor Medvedchuk spoke against the position of the Foreign Ministry regarding glorification of Nazism. “On November 26, the UN General Assembly adopted a resolution — Glorification of Nazism: the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance,” politician reminded, “the position of Ukraine’s Foreign Ministry, which abstained from voting, causes nothing but a sense of disgust.”

Medvedchuk believes that this fact once again shows that a large part of Ukrainian political class was struck by a serious illness, the symptoms of which is “spiritual collaborationism, admiration for the local Quisling, and obsequiousness of policemen in front of their curators from the SS.”

A number of politicians were actively using anti-xenophobic rhetoric. “Politicians who are going to Verkhovna Rada to destroy the culture or language of any people have no place in our country’s legislative body,” stated deputy of the Crimea Supreme Council, leader of “Russian Unity” party Sergey Aksenov on December 4. His remark was a response to a statement made by a Verkhovna Rada deputy Irina Farion on the need to tax Russian songs.

“Why destroy Russian culture, which is close to the majority of our citizens? Or the Russian language, which is spoken by the half of Ukrainian population? In my opinion, this is insanity! If Ms Farion intends to initiate such laws in the Supreme Council, then activists like her, and parties that put forward such deputies, should definitely be banned and prevented from acting in the political arena of Ukraine,” Crimean deputy said.

According to Aksenov, Farion’s hateful ideology is perceived extremely negatively by the majority of Crimean residents.

On December 5, Verkhovna Rada deputy from the Party of Regions Vadim Kolesnichenko compared the Ukrainian nationalists from Svoboda to Adolf Hitler. “Hitler had already defined the titular (Aryan) nation as the supreme one. He also organised the Holocaust on ethnic basis for Jews (our activists from Svoboda call them ‘zhid’),” Kolesnichenko said, “Hitler also defined all non-Aryans as subhuman and destroyed them, including both Ukrainians and Russians (by the way, Svoboda activists call them ‘moskals’)...”

On December 21, Verkhovna Rada Deputy, and president of the Ukrainian Jewish Committee (UJC) Alexandr Feldman stated that he considers the use of the word “zhid” inadmissible against Jewish citizens, who find it offensive. On December 27, Vaad made a statement about anti-Semitism in Ukraine, and about the use of the word “zhid” by politicians. This statement was directed against the deputies from the All-Ukrainian Union “Svoboda.”

On December 1, chairman of the Progressive Socialist Party of Ukraine (PSPU) Natalia Vitrenko and chairman of “Kievan Rus” party Pavel Baulin appealed to President Viktor Yanukovich with a demand to expel the neo-Nazis from Ukrainian government. Vitrenko and Baulin reminded that Ukraine had “shamefully abstained” from voting on the UN General Assembly resolution — “Glorification of Nazism: the inadmissibility of certain practices that contribute to fueling contemporary forms of racism, racial discrimination, xenophobia and related intolerance,” which was supported by 120 countries.

Spokesman of the Ukrainian Orthodox Church of the Moscow Patriarchate (UOC MP) Vasily Anisimov talked about “Svoboda” on December 1:

“Television and Internet showed videos of one of their leaders — a grim picture. These are flawed, evil people, and their vocabulary is corresponding — “moskals,” “zhidovnya,” “dermokraty,” “suitcase, station — Moscow.”

He drew attention to the similarity of Svoboda’s rhetoric to that of Nazi Germany. UOC called parliamentary elections a return to the stone age. “Patriotic rhetoric was also central for fascists — Germany above all! But you don’t beat shove the love for homeland in a face with a hammer, while shouting with a wry face of hatred,” Anisimov believes.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
	Total for section 4	5

5. Activities aimed at promoting tolerance and preventing extremism

Manifestations of extremism is a big problem in Ukraine, which is particularly acute during the electoral campaigns. The main fighters for the civil society are not the government institutions, but social organisations that the state often ignores. However, in 2012, there were several successful cooperation attempts between NGOs and government bodies related to the upcoming European Football Championship.

On March 1, Kiev hosted a “Diversity Initiative” meeting of the coalition of non-governmental organisations that are campaigning for multiculturalism and combating xenophobia. The meeting was attended by representatives and specialists of all interested central government bodies of Ukraine and the law enforcement — Ministry of Culture (which was given the authority of the disbanded State Committee on Nationalities and Religions), Ministry of Justice, Ministry of the Interior, Prosecutor General’s office, Foreign Ministry, Ministry of Education, State Migration Service and others. The meeting was dedicated to the discussion of xenophobia in Ukraine in 2011, based on the conclusions and recommendations of the report by Council of Europe Commission against Racism and Intolerance (ECRI), published on February

21. In addition, the meeting discussed the issues of combating xenophobia in the upcoming football championship, which is supposed to be held in Ukraine and Poland.¹¹

Leadership of the Prosecutor General's Office in Ukraine has obliged the prosecutors of the Autonomous Republic of Crimea, regions and cities of Kiev and Sevastopol, to intensify efforts to combat xenophobia and racial or religious intolerance.

Attention was drawn to the correctness of identifying immigrants' grounds to stay in Ukraine by the internal affairs agencies and territorial bodies of migration service, as well as the evaluation of decisions on expulsion of foreigners, compliance with the rights of citizens of Ukraine and foreign countries during administrative case proceedings, and the importance of implementing preventative measures aimed at detecting, warning and preventing violations of rights on national, racial or religious grounds. The importance of respecting foreigners' rights, prevention of national, racial or religious hatred and enmity during the European Football Championship 2012 in Ukraine was particularly stressed.

In 2012, both local and international organisations held a number of events aimed at developing tolerance and preventing extremism. The main topic for discussions in 2012 was the preservation of languages and cultures of ethnic minorities. In this case, perhaps the most sensitive issue is the Ukrainian-Russian bilingualism. 67.5% of the population considers Ukrainian language as their native, while 29.6% think the same of Russian language.

On February 10, a project "Equal opportunities for national minorities and vulnerable groups in the realisation of cultural rights: richness in diversity" was launched in Kiev with the financial support of the European Union. The project aims to promote the development of cultural diversity and the support the cultures of ethnic minorities, as well as to stimulate cooperation between the local governance and the government authorities.

On February 29, "Ukraine Without Nazism" held a Debate Club in the State Service of Youth and Sports of Ukraine in Kiev. The event was timed to the Mother Language Day, which is annually celebrated by UNESCO since 2000. Participants discussed the issues of language and cultural diversity in Ukraine with the leaders of youth movements and national-cultural organisations.

Ukrainian human rights organisation "Common Goal" (Obshaya Tsel), together with a number of other human rights organisations, presented a second report on the implementation of the European Charter of Regional and Minority Languages in Ukraine. Particular attention was paid to issues of Gagauz peoples in Ukraine, whose language, according to UNESCO, is in danger of extinction. According to human rights ac-

tivists, right now there is a need for a serious practical realisation of Ukrainian legislation for protection of ethnic minority languages.¹²

A number of national-cultural societies (Bulgarians, Poles, Armenians, Jews and others) appealed to the Ministry of Culture of Ukraine with a proposal to organise an exposition dedicated to ethnic minorities in the National Museum of History of Ukraine.

In April, commemorative events to mark the liberation of prisoners of fascist concentration camps were held in Kiev, on the territory of the National Historical and Memorial Preserve “Baby Yar,” near the monument to the executed Soviet citizens.

On August 28, a memorial to the Jewish victims of 1919 pogrom was opened in the centre of Germanovka village, Obukhiv district of Kiev region.

On November 21, Lviv hosted a conference “Revival of fascism in Ukraine. Causes and Consequences,” organised by the “United Rus” (Rus Edinaya) party and the Ukrainian movement “Russian Veche.” The conference was attended by the Progressive Socialist Party of Ukraine, the Russian Cossack community of Crimea, the Eurasian Youth Union, the International movement for the protection of rights of peoples, Russian movement of Ukraine, and activists of Russian organisations of Lviv and Ukraine. Based on the results of the conference, a resolution and an appeal to President Viktor Yanukovich were adopted, which demands to stop the spread of xenophobia in the Lviv region.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Activities aimed at promoting tolerance and preventing extremism	5
	Total for section 5	5

6. Status of migrants and Immigrants' standing in the society, society's attitude towards immigrants, foreigners, various ethnic groups

Indicators

- Presence and improvement of immigration law.

Despite the fact that Ukraine itself is one of the major suppliers of labour migrants to both the CIS countries and the European Union,¹³ it is also a place of residence for up to 7 million immigrants from other

countries. These are mainly students, refugees and entrepreneurs. Almost 90% of foreigners who legally reside in Ukraine are engaged in enterprise — mostly mercantile at the markets¹⁴

Back in the early 90s, Ukraine adopted laws regulating migration in the country. These include the law “On refugees” (December 1993), “On procedures of exit from Ukraine and entry into Ukraine for Ukrainian citizens” (January 1994), “On the legal status of foreigners” (February 1994). Bylaws and regulations were simultaneously developed and adopted to create mechanisms of implementations of the adopted laws. In early 2000s, these laws were finalised and adopted in new editions.

The Constitution of Ukraine provides for the possibility of granting foreigners, stateless persons and asylum seekers the rights and responsibilities equal to Ukrainian citizens (Article 26), as well as freedom of movement, free choice of residence, and the right to freely leave the territory of Ukraine (Article 33). The Constitution also prohibits any human rights violations on the grounds of race, colour, religious beliefs, language or any other characteristics (Article 24).

Constitution also introduces a term “deported peoples,” which appears in SECTION X of the Constitution of Ukraine, dedicated to the Autonomous Republic of Crimea. Paragraph 9 of Article 138 states that the Autonomous Republic of Crimea has the authority to develop, implement and participate in state programmes on returning the deported peoples. In addition, Article 16 talks about resolving the issues of environmental migrants, particularly those who were affected by the Chernobyl catastrophe.

In 2012, Ukrainian migration policy was guided by the *Concept of State Migration Policy*, signed by President Viktor Yanukovich a year earlier. Previously, the country lacked a comprehensive document that would determine the direction, activities and principles of the state migration policy.

The Concept defines comprehensive measures within the migration policy that are directed at combating illegal immigration and regulating legal migration, as well as those aimed at protecting the rights of Ukrainian labour migrants overseas.

An important place among comprehensive measures is held by those directed at combating manifestations of racism and xenophobia, as well as at combating human trafficking and protecting the rights of citizens affected by criminal activities in this sphere.

On February 15, Ukrainian government implemented immigration quotas for 2012. The purpose of this normative act was to regulate the number of foreigners and stateless persons who would be granted the permission for immigration into Ukraine, on various categories and to various regions of the country.

However, Ukrainian migration legislation remains underdeveloped, primarily because it does not reflect the status and rights of refugees in the country. This was stated in a report by the United Nations High Commissioner for Refugees (UNHCR).¹⁵

Realising the importance of this issue, on 18 September 2012, President of Ukraine signed a law adopted by the Verkhovna Rada earlier — No. 5290-VI “On amendments to several legislative acts of Ukraine on refugees and persons in need of additional or temporary protections.”¹⁶

The Law introduced amendments to the following Acts:

— “On education” and “On higher education,” which ensured that refugees or persons in need of additional or temporary protection have rights to secondary and higher education equal to the rights of Ukrainian citizens.

— “On social services,” which guaranteed such persons, as well as the disabled, the right to social security equal to Ukrainian citizens.

— “On free legal aid,” which guaranteed persons applying for refugee status the right to receive all kind of legal aid “before the decision on recognition of their status as refugees or persons in need of additional or temporary aid, and in case if these persons appeal the decision on the status of refugee or of person in need of additional or temporary aid.”¹⁷

The adoption of this Act has significantly advanced Ukraine towards the compliance to European standards in ensuring refugee rights. Nevertheless, in 2012, there was a number of cases of discrimination practices (see below) against refugees, which is related to imperfections in the legislation.

- Authorities’ compliance with such legislation (law enforcement practice).

According to the UN High Commissioner for Refugees (UNHCR) report for 2012, despite the significant progress observed in recent years, the asylum system in Ukraine still requires fundamental improvements.

“Asylum seekers face numerous problems in Ukraine, and given the limited chances for the recognition of refugee status and, sometimes, insurmountable obstacles in achieving self-sufficiency, many seekers of refugee status decide to move to third countries in search of international protection,” UNHCR report states.¹⁸

The report also states that the most serious problems hindering effective migration law enforcement practices is corruption in all government bodies related to this sphere, as well as lack of information security systems.

Regarding discrimination against migrants, the country also lacks a positive law enforcement practice, since not one criminal case regard-

ing this fact was initiated in 2012. Thus, the law enforcement practice in this sphere can only be considered partially satisfactory.

- Discriminatory practices against immigrants.

Ukraine does not keep official statistics on discrimination. Therefore, officials often claim that they are not aware of this problem, or downplay its scale. All information on the number of victims, including foreigners, is collected by non-governmental organisations. However, even they do not see the whole picture. Often, people who faced discrimination try to hide it. Since anti-discriminatory legislation is relatively new and is yet to be developed in detail, there are simply no mechanisms for protection against discrimination in the country.

According to Maksim Boutkevitch, co-coordinator of “Without Borders” project of NGO “Centre for Social Action” — “Foreign citizenship and legal status in Ukraine, foreign citizenship and health, foreign citizenship and skin colour — can lead to accumulation of discriminatory effect. Refugees, asylum seekers and foreign students in Ukraine can tell a lot about this.”¹⁹

For example, NGO “Lugantsi” carried out actions directed against foreign students in Luhansk in 2012, such as “action against shawarma.” The organisation has consistently held joint actions with the “People’s Front of Luhanshina.”

On February 8, TV show “Important People” on Irta channel, discussed the problems of foreigners’ adaptation in Luhansk. Deputy Head of the Luhansk Public Chamber, member of the “People’s Front of Luhanshina,” director of “Lux” taxi Sergey Shakun accused foreign students in rude behaviour towards taxi drivers. There were also accusations against the law enforcement who do not react, and intentionally protect the foreigners. At the same time, the press-service of the Regional Ministry of Internal Affairs in Luhansk assured that they received no complaints from taxi companies regarding foreigners, and that police defends the rights of all citizens.²⁰

Until the adoption of the Law No. 5290-VI “On amendments to several legislative acts of Ukraine regarding refugees and persons in need of additional or temporary protection”²¹ in Ukraine, in September 2012, the country carried out discriminatory practices against refugees.

For example, Jenny Kupren, a refugee from the Russian Federation in relation to the events of May 6, 2012, at the Bolotnaya Square in Moscow, suffered from discrimination on the grounds of citizenship. In Ukraine, she was denied medical care and any social security. In addition she face a number of restrictions, including a denial in opening a bank account.²²

Kupren’s case is not unique. As stated in UNHCR report, “the majority of refugee status seekers cannot legally work due to restrictions

of Ukrainian legislation, which does not let them obtain a work permit. This means that the majority of asylum seekers in Ukraine are deprived of temporary housing, social security, right to employment or even the possibility of obtaining charitable aid, without being in a conflict with the law. In an attempt to survive, some try to work illegally, especially on the markets.”²³

According to UNHCR, in recent years the average amount of people who apply for refugee status in Ukraine is 1.5 thousand people per year. Generally, these people get to Ukraine from Afghanistan, Somalia, Syria and Kyrgyzstan, often via Russia.

However, since 2000, the number of recognised refugees in Ukraine is rapidly declining. During the period of 1996 to 2012, Ukraine received 27,297 applications for refugee status in total. This status was granted to 6,147 people, i.e. one in every five people. Of these, only 632 people were granted a refugee status in the last five years.

According to the monitoring conducted by the Kharkiv Institute of Social Research, cases of police misconduct against foreign students, such as illegal detention, extortion, constant questioning for IDs, which students are not required to carry, unwarranted searches, threats and even assaults are regular in Ukraine.²⁴

There are other facts of discrimination against foreign students as well:

They are frequently detained on the border, during entry or re-entry into the country, under the pretext that their “papers are not in order.” They are placed in a small room, extorted for money, supposedly to “bring their documents in order.” The “price” may vary from 40 to 300 US Dollars.

Upon receiving an invitation to study in Ukraine, foreign students are told that they will be taught in English language. However, upon arrival they find that the majority of subjects are taught in Russian. Foreign students are then told that they can attend these lecturers and just sit in the corner, and for 100–200 UAH they would receive a pass mark in the end of the course.

One of the students told that he had to study Russian for a whole academic year before proceeding to postgraduate study. This costs 1.5 times more than he expected to spend.

Students are offered a translation of their lecture materials for a fee, which guarantees them a good grade.

Foreign students were promised English language courses, however, upon arrival such courses turned out to be unavailable. Students were forced to bribe teachers to receive a positive grade or change courses, in order to receive access to English language lessons.

Foreign students are charged more for the services of the international department or other similar departments in various universities. Dormitories often do not have spaces available for international students. They are forced to pay more for a dorm room, otherwise they would be housed in rooms worse than those allocated for Ukrainian students. Wardens also charge foreign students when they ask them for help. International students reported that when they rent accommodation in private flats, they are frequently visited by the police. They are asked for money to prevent a fine and legal proceedings about why they live not at a place of registration. They are asked to pay higher rent, and pay more for real estate agency services. Agencies demand up to 1,000 UAH per apartment viewing.²⁵

Thus, corruption and absence of developed migration legislation were the main causes for discrimination against migrants in Ukraine in 2012.

- Use of the “ethnic crime” topic in order to discriminate against immigrants.

This problem is not particularly acute in Ukraine, although individual cases of this nature did occur in 2012. On February 15, the head of criminal investigation of the regional department of Internal Affairs Andrei Pinigin stated at a press conference, that Odessa sees an increase in cases of fraud from “persons of gypsy nationality.” At the same time, according to him, it is difficult for police to identify these “persons,” since they often change their appearance and “stopped wearing headscarves.”²⁶

However, in general, there is no reason that this phenomenon is characteristic for the whole country.

- Social welfare for immigrants.

Ukraine is a party to the European Convention on the Legal Status of Migrant Workers, Agreement on cooperation in the field of labour migration and social protection for migrant workers, Protocol to the said Agreement, which regulates the border migration within the CIS, Convention on the Legal Status of Migrant Workers and Members of their Families of the Commonwealth of Independent States.

Ukraine also is party to 13 bilateral agreements on employment and social protection of migrant workers and 8 bilateral agreements on social security.

According to Ukrainian immigration laws, immigrants are granted with all rights of Ukrainian citizens (with the exception of voting rights and conscription).

These rights include:

- Right to free medical care;

— Right to social protection on par with Ukrainian citizens. Foreigners even receive childbirth care, if it was born on Ukrainian territory;

— Right to public services on socially low prices (Difference between the market price and the cost of this service is covered by the state budget. In 2009, this subsidy amounted to 9.5 billion hryvnia);

— Right to employment (for persons who have a permanent residence permit);

— Right to engage in business activities, including the simplified (reduced) taxation, which was created to develop entrepreneurship among the Ukrainian citizens, as well as for the formation of the middle class and reduction of unemployment.

However, these rights practically do not extend to refugees, since, as mentioned above, Ukrainian labour legislation does not provide for a procedure of their legal employment. Therefore, according to the same legislation, they do not have access to the majority of other social rights.

- Negative attitude of the community towards immigrants, foreigners, various ethnic groups.

On September 1, journalists and members of the public took part in a media-club in Luhansk, dedicated to the issues of xenophobia, and organised by the non-governmental organisation Institute “Attorneys of Luhansk” (Advokati Luganshiny) with the support of Democracy Assistance Fund of the U.S. Embassy in Ukraine. During the event, head of the “Civil campaign against discrimination in Donbas” Nikolai Franchuk presented the results of a survey conducted by “Attorneys of Luhansk” in the period of 25 July to 28 August 2012 amongst 200 foreign students from five universities of Luhansk. This is already a second survey conducted by the Consortium of NGOs “Luhanshina against xenophobia.” According to the survey, 47% of foreign students had faced xenophobia in Luhansk. In February 2012, this figure was 52%. The 5% decrease was explained with the fact that the majority of foreign students go home over the holidays. This indicator changes at the beginning of the new academic year. Only 20% of respondents stated that they never faced discrimination or xenophobia, and 28% struggled to answer. At the same time, 90% of students do not face xenophobia in educational process in universities, or in communication with government authorities.²⁷

According to the opinion poll conducted by Research&Branding Group and published on October 4, almost a third of Ukrainian residents (28%) consider the occurrence of serious ethnic conflicts in the country possible, whereas 60% of respondents are of an opposite opinion. The majority of Ukrainian residents assess the inter-ethnic relations in the country as good and tolerant in general (44%). 30% of respon-

dents consider them neither good nor bad. 14% of respondents consider inter-ethnic relations tense and conflicting. Respondents neutrally assess the government inter-ethnic relations policy (48%). However, positive views of the government inter-ethnic relations policy are twice as common, compared to the negative ones (25% against 13%).²⁸

On December 13, “Elections to the Verkhovna Rada of Ukraine and xenophobic sentiments in social networks” — a study conducted by the Institute of Human Rights and Prevention of Extremism and Xenophobia (IHRPEX) was published. According to this study, the number of xenophobic statements on Facebook and Vkontakte had increased. 150 posts with expressive features of xenophobia or intolerance were recorded. Posts promoting xenophobia and intolerance gathered almost 11,500 “likes” over 1.5 months. The thematic rating of xenophobic materials showed a predominance of posts containing elements of ethnic intolerance (53.3%), racial hate (22%), religious intolerance (12%) and propaganda of Nazism (8.7%), as well as intolerance based on language or ethnic characteristics (4%). Most often, the Ukrainian social network users express ethnic intolerance against Russians or compatriots with Russian roots (61.4%), Jews (31.8%), Roma and Crimean Tatars (6.8%). Propaganda materials on social networks regarding ethnicities include internet memes and demotivators, while photos and “photoshops” are used in the propaganda of racism. The leaders among the users distributing xenophobic materials are the radical right wing groups in Vkontakte. Least often such posts occur on Megamix network.²⁹

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence and improvement of immigration laws	5
-/×	Authorities’ compliance with such legislation (law enforcement practice)	2.5
×	Discriminatory practices against immigrants	-5
-	Use of the “ethnic crime” theme in order to discriminate against immigrants	0
×	Social assistance for immigrants	5
×	Negative attitude of the society towards immigrants, foreigners, various ethnic groups	-5
	Total for section 6	2.5

7. Incitement of religious and ethnic hatred

Indicators

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

In 2012, multi-ethnic Ukraine experienced rising xenophobia. Vandals were destroying gravestones and desecrating memorials and monuments to the Holocaust victims with Nazi slogans. Anti-Semitic literature was also freely printed and distributed. TV and radio channels became a platform for heated debates between the radical nationalists and their opponents, both sides occasionally accusing each other of xenophobia. A particularly large amount of xenophobic materials was posted online, and their numbers increased drastically before the elections to Verkhovna Rada. According to the Institute of Ukrainian Politics and the Institute of Human Rights and Prevention of Xenophobia and Extremism, “hate speech” during this period was directed against Russians and Jews most of all.³⁰

On January 30, Ternopol became the centre of an international scandal related to the racist article in the “New Ternopol Gazette,” which depicted Africans as apes and Ukrainian women as “whores.” The article talked about a fight between African and Arab students over a local girl, calling dark-skinned students a “black invasion,” which brings “aggravation of the crime situation, increase in prostitution and unknown diseases.” Tone and vocabulary of the publication regarding black and Ukrainian women shocked not only the Ternopol public, but also the world community, which accused Ukraine of open racism and xenophobia. At the same time, according to a Congolese student Bex Lav, who is in the fourth year of Pulyuya Ternopol University, the background of the main photo in the newspaper depicted his student compatriots who were not related to this incident.

On February 10, Ternopol Prosecutors Office decided not to initiate a criminal case against this publication. However, an appeal was sent to the National Ethnic Committee. “If experts of the Commission will come to the conclusion that the publication contains a violation of the relevant norms, we will have grounds for initiating a criminal case and its investigation,” explained the regional prosecutor’s press secretary Lesya Dolishnaya. Prosecutor’s Office clarified that the National Ethnic Committee may consider this case within two months.

On March 12, Ukrainian mass media contained calls on citizens to demonstrate civic stance and not go to see Russian language film in cinemas. In particular, the public organisation “Відсіч” (Vidsich) made an appeal to the Ukrainian film fans to demonstrate their civic stance and

refuse to see “Ghost Rider: Spirit of Vengeance.” As reported by organisation’s activists, every Ukrainian who has national pride “should remind the unscrupulous studio and its Russian partners, that we no longer live in the USSR, but in an independent state.”³¹

In May, a homophobic campaign was conducted on the internet, in relation to the concert in Odessa, which was dedicated to LGBT community demands.³² The tone was set by the online newspaper of the All-Ukrainian Public Organisation “ZUBR”

During the election campaign in Ukraine in October 2012, a popular daily newspaper “Young Ukraine” erupted in Russophobic and anti-Semitic materials regarding the national composition of the Ukrainian Parliament.³³

According to the Jewish Forum of Ukraine, the country has an acute issue with the free sale of neo-Nazi literature. Works by xenophobic authors, of mostly anti-Semitic and anti-Russian orientation, are openly sold in Kiev.

Another characteristic of this period was the xenophobic graffiti. Anti-Semitic image appeared in Kiev on Vladimir descent, in front of the stairs leading to the Column of Magdeburg Law. The image consisted of a Jew with sidelocks, a Star of David made with a stencil and a red swastika on the top. This image was located at a prominent place, noted by tourists walking through Kiev’s historical centre, as well as football fans passing through. Similar anti-Semitic graffiti was located on the way to a “Pochtovaya Square” subway station. Images attracted a lot of attention of Kiev residents and Euro-2012 guests. Many tourists stopped and photographed these pictures. After numerous evasions of the authorities, graffiti was finally removed in July. However, in August, swastika appeared again on a freshly painted square at the same location, near the arch on Vladimir descent. On November 15, xenophobic graffiti, including swastikas, were found on the gate of the Foundation of Labour and Social Assistance, near the main synagogue in Kiev.

An inscription “Kill a Jew” appeared on the walls of buildings 37–39, located on one of the central streets of Feodosia — Karl Marx Street. Jewish community drew the attention of local government and the competent authorities to the fact that this inscription contains a direct call to kill Jews. Police conducted a search for perpetrators, while prosecutors took over the investigation of the incident

In Simferopol, several dozen of swastikas, painted using purple paint and a stencil, appeared on the marble slabs with the names of republics where Crimean Tatars were deported (Uzbekistan, Kyrgyzstan, Tajikistan and Kazakhstan).

On July 16, in the Kievsky district of Odessa, a large number of public transport stops, ATMs, kiosks and so on, were defiled with the sym-

bols of Ukrainian nationalists. Visiting vandals had not just soiled everything with their daubs, but also insulted the names of Empress Catherine the Great and the first Governor-General of Novorossiya and Bessarabia Duke of Richelieu. Armed with bottles of solvent, activists of the antifascist organisation DOZOR cleared more than 50 graffiti. “We call on all residents of Odessa finding such symbols to not be lazy and follow our example, taking a rag and a bottle of solvent” — says the appeal of the organisation to the Odessa citizens.

In Lviv, unknown perpetrators spilled blue and red oil paint over the memorial to Holocaust victims and nameplates, and writing “Two Jews and Khokhols” on the memorial’s wall, as well as other derogatory remarks. A criminal case was initiated under paragraph 1, Article 296 of the Criminal Code of Ukraine; the investigation continues.

In November, a swastika, accompanied by insulting inscriptions was drawn on a commemorative sign dedicated to Jews killed during the Great Patriotic War in Novomoskovsk, Dnepropetrovsk region. In the same month, swastikas appeared on the “Barrel of Death” which is one of the heroic symbols of Balaklava — a Sevastopol suburb, as well as in a park in Feodosiya, near the Polytechnic, where local hooligans drew swastikas on the Greek sculptures.

In late November, a cross was found on Primorsky Boulevard in Odessa, which was set up by the Orthodox fundamentalists. The cross had an attached text accusing Jews in “ritual murder” of Emperor Nicolas II family.

Posters of the Ukrainian travel agency Multipass advertising tours to Asia were the cause for accusations of racism against the company, coming from the British Daily Mail and American Huffington Post. The posters used special fonts that could only be read by “screwing up your eyes.” This is typically how Europeans imitate Asians. The advertising campaign was held under the slogan “Look at Asia as Asians do.”

Chairman of the commission of the Kiev Council on Culture and Tourism Alexandr Briginets complained about the sale of “nationalistic souvenirs” in Maidan, downtown Kiev, as “threatening to the face of the centre of the city.” According to “Komsomolskaya Pravda” correspondent, “wreaths, emblems, flags, wooden crosses clearly resembling a swastika” are sold there.

Newspapers “Focus” and “Ukrainian Week” published analytical articles and reports dedicated to the life of Roma. Among other topics, articles raised a question about their “illegal activities.” Almost every article presented several points of view and provided expert commentary. However, among them there were some stereotypical judgements about Roma. For example, “Ukrainian Week” website on November 1,

2011, presented a questionable commentary of a social scientist Andrei Strutinsky — “The majority of Gypsies earn their living through various scams. This is the truth that we must admit. They are used to being such outcasts, who rob the society, receiving its hate and contempt in return.”

In late 2012, a new trend appeared — the use of social networks by nationalist political parties to incite ethnic and religious enmity. Thus, a Facebook page appeared, titled “Awesome Russophobia,” which is a project of the Svoboda party, containing Russophobic posts, as well as materials directed against the Russian Orthodox Church.

- Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.

Youth could be protected from the neo-Nazi ideology by the knowledge of historical truth and general knowledge of human rights issues. However, going online, young people find many extremist websites, while on TV, talk shows and news broadcast the leaders of the All-Ukrainian Union “Svoboda” on an almost daily basis.

At the same time, Ukraine is recognised as the least well-read country in Europe — less than one book per person per year! Furthermore, this statistic includes textbooks that are not publicly available. Only over the last year, the total circulation of published books in the country decreased by 7%. According to the president of the Publishers Association Alexandr Afonin, Ukraine is experiencing a book deficit for the past 16 years. In book consumption, Ukraine falls behind Poland and Russia by five times, and seven-nine times behind Germany, England and France.

At the same time, according to the Jewish Forum of Ukraine, neo-Nazi literature is freely sold in Ukraine, including literature imported from Russia. This includes the blatantly anti-Semitic publications by local authors, ideologists of the German Nazism, as well as books by the modern Russian radicals, Russian emigrants and Western revisionists. Particularly, one can always buy “Mein Kampf” in Maiden, Kiev. There, one can also find “Ukrainska diviziya Galicia” (Kiev—Toronto, 1994), P. Shtepa “Moskovstvo,” M. Shestopal “Jews in Ukraine,” Istarkhov “Blow of Russian Gods,” M. Kirilyuk “Jewish Dictatorship” (Poltava) and others. According to the political scientist Vladimir Kornilov, book fair that was held in the Ukrainian House in September, almost entirely consisted of Nazi literature. In November, a book entitled “Judaism — the eldest religion of the world” was published in Ukraine, containing passages demonising Israel and placing the responsibility of the Holocaust on its victims.

Neo-Nazi and radical nationalist rock-concerts also often occur in Ukraine.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts	-5
	Total for section 7	-10

8. Radical nationalist groups and parties

Indicators

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).

The largest radical nationalist group in Ukraine is the All-Ukrainian Union “Svoboda,” which took part in parliamentary elections on October 28, gathering 10.44% of votes and passing into the Verkhovna Rada of Ukraine (in 2006 and 2007, this party failed to gather even 1%, but in 2010 its representatives passed through to a number of regional councils).

One of the oldest organisations with historical roots is the Ukrainian National Assembly — Ukrainian National Self Defence (UNA—UNSD). There is also a Civil Initiative “Right Cause” (Pravoe Delo), VO “Trizub” named after Stepan Bandera, the Congress of Ukrainian Nationalists, as well as the nationalist “Korchinsky Brotherhood.”

Radical right wing organisations “Patriot of Ukraine” is distinguished by its particular aggressiveness. Lviv has a neo-Nazi organisation called “Autonomous Nationalists” (Autonomous Resistance). “Kharkiv city patriots” is a famous radical right wing organisation of sports fans. In Crimea, there is a Coordination Council of Russian Organisations of Tavria and Sevastopol, known for its anti-Tatar and Islamophobic positions.

In 2012, an increased activity of radical groups was noted.

For example, Odessa had an Islamist organisation called “Direct Way” (Pryamoy Put), which was distributing xenophobic literature and planning terrorist acts (the organisation was neutralised in March).

Ukraine has a legally active Islamist party Hizb ut-Tahrir al Islami, which is recognised as extremist and banned in a number of countries. The main geographical area of activity for this party is Crimea. Work is

carried out mainly among the members of Crimean Tatar people. There are regularly organised formal events — conferences, seminars, rallies, which touch on religious and social topics. Islamist women conferences are regularly conducted in Simferopol, for example, and in August 2012 there was a rally in support of the Syrian people, organised by Hizb ut-Tahrir.

The All-Ukrainian Association of Social Organisations “Alraid” (Arabic for “Progressive”) is active in Ukraine since 1997. The official aim of the organisation is to increase the number of adherents of Islam, consolidation of Muslims in Ukraine, their education, etc.

Nevertheless, there is evidence that “Alraid” operates under the patronage of the Muslim Brotherhood. According to experts, members of the organisation in Crimea are actively maintaining relations with the followers of Wahhabism, as well as Hizb ut-Tahrir followers, who are conducting propaganda in the Crimean Tatar environment.³⁴

Many Ukrainian politicians and public figures do not consider the above organisations extremist or radical. For example, one of the leaders of “People’s Movement,” Gennady Udovenko (who served as the Minister of Foreign Affairs of Ukraine in 1994–1998), in his speech during a conference on problems and prospects of Islam, organised by Alraid in April 2011, stated that “tolerant Ukraine” sets an example for Russia and other CIS countries by not only creating conditions for the development of Islamic culture and education in Arabic language, but also, unlike Russia, it has favourable conditions for the activities of Alraid, Hizb ut-Tahrir and other Islamic organisations. Udovenko also stated that “with Viktor Yanukovich, the situation for the international Islamic organisations became even more comfortable.”³⁵

- Discriminatory demands towards the minorities in programmes of these parties and in statements of their leaders.

The programme of the Svoboda party contains calls to the development of Ukrainian culture and identity. However, in practice, the party understands this as a call to assimilation of ethnic minorities and discrimination against their cultures.

March 18th issue of newspaper “Day” (“Den”) presented the views of Levko Lukyanenko, one of the authorities of the Ukrainian nationalist movement. According to him, “ethnic factor is fundamental, it’s the essence, and the political system and form of government is derivative.” To him, “ethnicity” is a genetic factor. In other words, it means trying to justify the dominance and superiority of the Ukrainian ethnic identity, which turns out to be much more important than the civil identity, with political, constitutional, legislative and administrative factors.

On March 11, one of the leaders of the radical organisation “Patriot of Ukraine” Oleg Odnorozhenko stated that the current state project

“Ukraine” is a direct continuation of the occupational project “USSR,” i.e. having a blatant anti-Ukrainian orientation. “It is subject to a swift dismantling, followed by formation of a new Ukrainian state, based on principles of national democracy.”

The main irritating factor for the nationalists of modern Ukraine is the language problem. In May, at a rally near the Verkhovna Rada of Ukraine, Oleg Tyagnibok — leader of the All-Ukrainian Union Svoboda — called the initiators of the bill “On the principles of the state language policy” (No. 9073) “Ukrainophobes” and “Ukraine-haters.” According to him, the law protecting not the Ukrainian language, but the languages of ethnic minorities, was aimed “against everything Ukrainian: Ukrainian spirit, Ukrainian idea, Ukrainian language.” Protesters urged not to allow the adoption of the “Kivalov-Kolesnichenko bill,” providing the regional status for Russian language in Ukraine.

In August, Deputy of the Lviv Regional Council from the Svoboda party Irina Farion presented the Parliament’s decision on the language policy as a declaration of war against all Ukrainians. “We will develop a boycott system, and not one Moskal word would sound on our territory. We will declare our territory free from the Moskal dirt,” she promised.

Farion also called on all Ukrainian citizens to avenge “the destruction of our parents... the four hundred years of prohibitions against Ukrainian language... the assimilation of Ukrainians... the corrupt courts... the migration of the population... the fact that these dogs changed the ethnic structure of our country, populating the South and East with aliens, and these aliens spawned Ukraine-haters.”

Another sensitive issue for the nationalists was the state flag. Svoboda deputy of the Lviv City Council Yuri Mikhalchishin stated, at a march of “embroidery” dedicated to “Galicia” division in May — “Today we, unfortunately, we cannot raise the blue-yellow flag, because this flag is not of our state. It is the flag that hangs over Prosecutor’s Offices, it is the flag on the shoulders of those who beat Ukrainian students and pensioners with batons, when they participate in a legitimate protest. So we will carefully fold this flag, put it close to heart and hide it until better times.”

And this is how Oleg Tyagnibok sees the mission of his movement. On September 1, he stated — “Svoboda Party is a political special forces of Ukrainian opposition, which would be at the frontlines in a fight for the Ukrainian nation.” According to him, the “Svoboda’s army” was created in order to stop the attacks on Ukrainian statehood. “Yesterday, the law On the principles of the state language policy was adopted completely unconstitutionally. Nationalist faction in the parliament will no longer tolerate neglect and will stand to protect everything Ukrainian. We will cancel this arrogant law... and adopt another one — in protection of Ukrainian language, as well as bring to justice those who are spitting in our face with their actions.”

Shortly before the October elections, Tyagnibok made a speech at the party congress, where he stated that “if necessary, nationalists are ready for the revolution and will protect national and social justice with guns in their hands.”

Remarkably, competing with the Svoboda party at parliamentary elections, chairman of the Civic Initiative “Right Cause” (Banderovites) accused its leaders in the fact that they are supposedly “Jewish by blood.” And this is not the only anti-Semitic statement that sounded during the election campaign.

Online portal inform-ua.com analysed the main ideas of ethnic nationalism. Presence of a “titular nation” (affiliation to which is defined by the origin and belonging to a local ethnic group); demands to provide the “titular nation” with special rights (privileges) or infringement of minorities; clearly expressed contrast between “our” and “others” in relation to other nations or ethnic groups, and, of course, the primacy of blood over nationality, as opposed to the political nationalism, where citizenship is more important than blood.

For example, such ethnic nationalism is officially practiced by the All-Ukrainian Union “Svoboda,” which is impossible to join without a reference on parents’ nationality. Thus, some ideological nationalists were unable to join this organisation, because one of their parents was Russian, Moldovan or Bulgarian. In “Khvyła,” such a “superhuman” — Yuri Protsenko — was also published, insulting the majority of Ukrainian citizens by calling them “Creoles.”

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.

In 2012, Svoboda joined a bloc of democratic opposition, planning to change the political situation in the country after successful elections. On January 22, the Day of Unification and Freedom, Svoboda participated in the signing of an agreement between the oppositional forces of Ukraine, part of the “Committee of Resistance to Dictatorship.”

In February, they conducted several joint actions in the regions. On February 12, Tyagnibok stated in Poltava, that despite the differences in political ideologies, oppositional parties are united by the struggle against “anti-Ukrainian and anti-social regime.” He referred to an ideologist of social nationalism Yaroslav Stetsko, who could not see social justice without a national (ethnic) justice.

In July, the Congress of Ukrainian Nationalists, “Our Ukraine” party, Ukrainian People’s Party and more than 30 NGOs (“Prosvita,” All-Ukrainian Society of Political Prisoners and Repressed, “Zarobitchane,” “Chernovila Fund,” etc.) in Kiev, signed a declaration on the union of patriotic and national-democratic forces of Ukraine.

In August, Tyagnibok declared the alliance with the united opposition “Batktivshina” (Fatherland) as the most optimal format for participation in elections, despite ideological differences. In an interview with BBC Ukraine, he stated that his political force went towards this alliance in order to create a majority in the Verkhovna Rada. Soon, Svoboda and the United Opposition agreed on the format of participating in the parliamentary elections, a non-compete during the election campaigns, cooperation in electoral integrity and cooperation in the Verkhovna Rada of VII convocation.

Results of the negotiations were announced by the chairman of the United Opposition “Batktivshina” Aresny Yatsenyuk, leader of “Svoboda” Oleg Tyagnibok and the head of the central United Opposition headquarters Oleksandr Turchynov at a press conference.

On October 19, the imprisoned ex-Prime Minister Yulia Tymoshenko signed an agreement between the United Opposition “Batktivshina” and the All-Ukrainian Union “Svoboda” on the creation of a coalition in the future Verkhovna Rada. The agreement was also signed by the deputy chairman of “People’s Self Defence” party Yuri Grymchak, leader of the “Civil Position” party Anatoly Gritsenko, 1st deputy chairman of the “Batktivshina” party Oleksandr Turchynov, chairman of the “Front of Change” (Front Zmin) Arseny Yatsenyuk, leader of the Svoboda party Oleg Tyagnibok, leader of the “Reforms and Order” party Sergey Sobolev, leader of the People’s Movement of Ukraine Boris Tarasyuk and the leader of the “For Ukraine!” party Vyacheslav Kirilenko.

Ternopol regional organisations of the All-Ukrainian Union “Fatherland” and “Svoboda” signed a declaration of cooperation aiming to overthrow the “Yanukovych dictatorship,” elimination of the consequences of his rule and avoid the return of the “criminal occupational regime,” to establish justice in political, legal, economic and social spheres and protect the Ukrainian identity. “Our task is not just to coordinate our actions during election campaign,” said Svoboda member Alexei Kaida, “We have already agreed on how we would act within the Parliament’s walls, what fundamental laws we will support. Our task is to win in most majoritarian districts, form a constitutional majority in the parliament in order to overcome the Presidential veto. I am convinced that the opposition will get the majority in Ukraine.”

At the same time, Svoboda planned to return the column on ethnic origin in the Ukrainian passport, and advocated the national-proportional representation.

At the congress of his party in September 2011, dedicated to its 20th anniversary, Oleg Tyagnibok proclaimed the main task of the elections to the Verkhovna Rada of Ukraine — creation of the first nationalist faction, as well as obtaining a post of Parliamentary Speaker. During 2012, radical nationalists, led by “Svoboda,” raised their rating before

the parliamentary elections through conducting torchlight processions, rallies, pickets, as well as cultivating the historical memory by erecting monuments to “heroes,” publishing books about the “glorious struggle against imperialism,” pilgrimages to “places of glory,” etc.

On March 11, in Luhansk region, representatives of the “Right Cause” initiative, the All-Ukrainian Association “Trident,” the Ukrainian National Assembly — Ukrainian National Self Defence (UNA—UNSD) and the Congress of Ukrainian Nationalists (CUN) signed a memorandum on the establishment of national forces bloc. Its aim was to unite into one political force to carry out coordinated political actions in the Luhansk region.

On March 18, nationalists boycotted the St. Petersburg theatre operetta “Wedding in Malinovka.” They were outraged by the fact that comedy’s announcements were written in Russian language.

In Carpathian region, nationalist and social organisations created a Coordination Centre of Ukrainian Nationalists in April. The Coordination Centre intends to coordinate the actions of OUN, OUN (b), CUN, Ukrainian National Assembly — Ukrainian National Self Defence, Ukrainian League of Ukrainian women (VLUZH), All-Ukrainian Association of Political Prisoners and Repressed, Ukrainian Youth Union, and the youth organisations “Osmomysl.”

In late May, the Coordination Centre of Ukrainian Nationalists planned to conduct a conference in Kiev.

On the Victory Day, a fight occurred in Old Park in Kiev, between Svoboda activists and police officers protecting the column of the Ukrainian Communist Party holding red flags. Gathering at the edge of the Old Park near the military equipment, communists formed a column consisting of around fifty people and almost forty flags, and proceeded towards the Hill of Fame in a dense ring of law enforcement officers. They were intercepted by the Svoboda members. A scuffle ensued between the Svoboda activists and the police officers. Yet, the participants of the event managed to successfully lay flowers at the memorial to those killed during the Great Patriotic War and honour their memory with a minute of silence.

In 2012, the Party of Regions’ flirtation with the radical nationalists resulted in the emergence of a movement “Stop feeding fascism!”

The “Fighters against fascism” of this party distribute books about the “feats” of the Organisation of Ukrainian Nationalists — Ukrainian Insurgent Army (OUN—UIA) in schools, lay flowers to Bandera memorials and hold song concerts dedicated to exploits of the UIA. Meanwhile, the first deputy chairman of the “Party of Regions” — Vladimir Rybak — praised Oleg Tyagnibok as an “example of a nationalist who roots for Ukraine.” Tyagnibok, known for his anti-Russian provocations and glorification of SS Galicia “warriors,” received a golden cross from the veterans of SS Galicia, with a statement — “For outstanding merits.”

In June, Irina Farion demanded to inspect the Lviv public transport in order to check for the implementation of the ban on music in transport services, and lay off a bus driver. She explained that on June 11th a bus driver was rude towards her, when she asked him to turn off the music.

“Russian music was playing inside. I asked to turn the music off, to which the driver violently reacted — What, it’s bothering you?”

Deputy referred to the decision of the Lviv regional council No. 325 from December 20th 2011 — “Provide the absence of any musical accompaniment during transportation, which threatens the safety and creates psychological discomfort of passengers. Provide penalties for violations of this rule.” As a result, the driver was laid off.

In turn, Ukrainian MP from the Party of Regions Vadim Kolesnichenko appealed to the Prosecutor General with a request to prosecute Irina Farion, and to take all possible measures to reinstate the driver of Lviv bus No. 54, who on June 11, 2012, refused Irina Farion’s request to turn off Russian music.

In June, Svoboda called upon the Ukrainian population to refuse to buy Russian goods, refuse to talk or read in Russian language, thus boycotting the Party of Regions’ bill “On the principles of the state language policy,” adopted by the Verkhovna Rada in first reading.

In July, confrontation between the nationalists and the government had intensified with the adoption of the language law. On July 4, around 50 people who believe that the new law “On the principles of the state language policy” is a “genocide of Ukrainian language” set up tents in front of the Lviv regional administration and the City Hall. They blocked the way into the regional administration for officials, heads of departments, as well as deputy governors. At the same time, at the session of the Regional Council presidium, chairman of the Svoboda faction Irina Seh demanded that deputies Igor Greshyuk and member of the “Renaissance” party Ivan Grunyk leave the hall. Grunyk left accompanied by Svoboda members shouting “Shame!” and “Get out!” Greshyuk tried to reach the microphone, but he was thrown out from the room by force.

On June 26, 30 Svoboda activists held an action near the Presidential Administration, protesting against the visit of Patriarch Kirill. They were holding party flags and several banners, saying “Get out, Moscow occupants,” “For a single united Orthodox Church centred in Kiev,” “Out, Moscow Pope-Coloniser.” This is despite the fact that the Kiev Regional Administrative Court forbade Svoboda to hold protest actions against Russian Patriarch Kirill’s visit near the Kiev-Pechersk Lavra.

Thus, we see that the Svoboda party managed to gain a significant influence on the Ukrainian society through “direct action.” Svoboda has made a sensational success in the parliamentary elections.

Election campaign showed that xenophobic (mainly anti-Semitic) rhetoric was actively used by the seemingly respectable parties as well. For example, one of the leaflets distributed by the Ukrainian Republican Party said that 43% of MPs and the majority of Ministers in the government are supposedly Jews. Prime Minister Nikolai Azarov, Minister of Fuel and Energy Yuri Boiko, Minister of Foreign Affairs Konstantin Grischenko and others were accused of belonging to the Jewish community. Besides leaflets, this was also promoted by the popular daily newspaper “Young Ukraine” (circulation — more than 100,000 copies), as always, supporting Viktor Yushchenko’s party “Our Ukraine.” Therefore, we see that radical nationalists partially succeeded in imposing elements of their ideology on “respectable” parties.

Svoboda has been successful due to the tactical alliance with the oppositional parties “Batkivshina” (Fatherland) and UDAR. This alliance has resulted in the “old” opposition borrowing Svoboda’s rhetoric (leader of the “Batkivshina” party list A. Yatsenyuk, for example, recognised the UIA warriors as heroes). For nationalists themselves, this alliance is a convenient road to demarginalisation and involvement in big politics.

In addition to Ukrainian nationalists, Islamists are increasing their popularity among their own audience. For example, traditional mourning ceremonies took place in Simferopol, dedicated to the 68th anniversary of the Crimean Tatar deportation. Participants of the event came to the Lenin square with five columns from various districts of peninsula, holding Crimean Tatar and Ukrainian flags. More than 15 thousand people, including elderly veterans, put out their hands in prayer, which started the mourning ceremony. Standing aside were the representatives of organisations oppositional to the Crimean Tatar Mejlis, who declared a hunger strike on May 15th, demanding the enactment of the bill “on the restoration of rights and rehabilitation.” Even though prior to the rally, the opposition informed that they will yield the area to the demonstrators, after the end of the official part, they asked everyone to stay and take part in the “nationwide gathering of Crimean Tatars.” The calls of activists were answered by just over a hundred people.

On November 20, around 100 representatives of the Islamist party Hizb ut-Tahrir picketed the Consulate General of the Russian Federation in Simferopol, demanding to stop the persecution of their adherents in Russia.³⁶

- Neo-Nazi and radical nationalist influence over the local legislative and executive bodies.

Svoboda, which is not unreasonably considered a neo-Nazi party, enjoys a significant influence in the Western parts of Ukraine. Accord-

ing to the early elections to the local government bodies in March 2009, the All-Ukrainian Union “Svoboda” won 41.6% of seats in Ternopol regional council (34.69% votes). In 2010, Ukraine had another elections into the local legislative assemblies, where Svoboda got its representatives in the regional councils of Lviv (35.3% — 1st place), Ivano-Frankivsk (14.9% — 1st place), Volyn (7.5% — 3rd place), Rivne (6% — 7th place), Chernivtsi (3.8% — 5th place), Kiev (3.37% — 5th place).

Therefore, radical nationalists have a significant influence over the decision-making in the Western regions of the country, which explains the violations of the All-Ukrainian legislation and a blatant sabotage of decisions made by Verkhovna Rada in 2012.

- Neo-Nazi and radical nationalist influence over the central legislative and executive bodies.

In the parliamentary elections of 2012, the All-Ukrainian Union “Svoboda” won 10.44% of votes, which was one of the biggest surprises of these elections. Traditionally, the party had most support in Galicia: Lviv — 38.02% (1st place in the region), Ivano-Frankovsk — 33.79% (second place), Ternopol — 31.22% (second place).

However, while the Svoboda radicals are enjoying a significant influence in the number of local Councils of West Ukraine, this cannot be said about the all-Ukrainian level. Svoboda took a place in the parliamentary opposition, however they got only one committee in Verkhovna Rada — on environmental policy, nature and elimination of the consequences of Chernobyl disaster. The committee is headed by Irina Seh, member of this party. In three other committees, radical nationalist representatives took the positions of first deputies, and substitutes in 8 committees

Nevertheless, all the leading positions in the main committees and commissions are held by the representatives of the ruling Party of Regions. Deputies from Svoboda attempted to block a number of legislative initiatives aimed at the protection of minority rights, such as the Law on regional languages, but they did not succeed.

The government itself had repeatedly demonstrated that it acts without any regard to “Svoboda”; on the contrary, it intends to actively oppose its radical nationalist views and actions.

Thus, responding to EU and Israel’s concern with “Svoboda’s” passage to Verkhovna Rada and its incorporation in the united opposition, Minister of Foreign Affairs K. Gryshchenko stated that Ukrainian government understands these concerns and will do everything necessary to prevent this party from going outside the law.

However, given that nationalists are part of the united opposition, it can be concluded that they have a limited influence over the central government bodies.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities)	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities	-5
×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations	-5
×	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies	-5
×	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies	-2.5
	Total for section 8	-22.5

9. Extremist and radical nationalist public actions

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

Approximately a hundred right-wing radicals held a march against illegal immigration in Kharkiv on May 25, despite the fact that this action was prohibited by the court. Participants carried xenophobic banners and shouted nationalistic slogans.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

2012 was marked with several mass actions of radical nationalists. Here are some of them:

In January, Ukraine had a number of torchlight processions and other legal mass actions led by the All-Ukrainian Union “Svoboda” with other radical right-wing organisations. These were the well-organised ideological aggressive actions, actively involving youth. When it comes to such actions, particularly dangerous is the participation of youth, whose ideas about the past and historical heroes are imposed by the

extremist organisations and parties. Dates of the actions also held a symbolic meaning.

The morning of the first day of 2012 in Ukraine started with torchlight processions and rallies dedicate to the 103rd anniversary of Stepan Bandera — leader of the Organisation of Ukrainian Nationalists. These events were held by Svoboda in all regional centres of Ukraine. The largest ones were held in Kiev, Lviv, Ternopol, Ivano-Frankovsk, Zhitomir, Odessa, Donetsk and Kharkiv. In some regions, they were sanctioned and financed by the local governments, where Svoboda dominated. Thus, the Lviv regional council recommended the heads of regional councils and mayors of regional capitals to conduct celebratory events. At one of these rallies — the opening of a memorial to Stepan Bandera in Velyki Mosty, Sokalsky district of Lviv region — a Ukrainian nationalist A. Libich made a speech urging to take up arms and fight against the “Jew-ocracy” in Ukraine. His five-minute speech caused ovations of the rally participants. It also shocked many Ukrainian citizens and had a large resonance.

On January 29 in Kiev, around 500 neo-Nazis, gathered by Svoboda from across the country, marched under a heavy guard of “Berkut” from the central square, Maidan of independence to “Arsenalnaya” subway station, holding Svoboda flags and corresponding symbols. They were shouting the standard slogans — “Glory to Ukraine!”, “Glory to heroes,” “Death to the enemies,” “Ukraine — firs of all” and others.

On April 19, Kiev city organisation of the All-Ukrainian Union “Svoboda” held a picket near the Ukrainian State Film Agency, demanding to ban the screenings of the Russian film “Match,” which was about a “death match” between the Kiev “Dynamo” team and the SS troops in the Nazi occupied Kiev, in 1942. Activists held up banners saying “No to Moscow propaganda,” “Match of death or match of lies?,” “Down with Russian imperialism!”

Protesters demanded that Film Agency prohibits the screening of this film, and others similar to it. Organisers of the action threatened that if the Ukrainian State Film Agency does not heed to their demands, nationalists would be forced to take other measures against the film’s release.

On May 23 in Vinnitsa, the city and regional organisations of “Svoboda” held the “March of Heroes’ Fame,” timed to the Day of Heroes — fighters of Ukrainian freedom. Procession went from the Maidan Nezalezhnosti through the central streets of Vinnitsa, and ended with a rally at the memorial sign to Ukrainian Sich Rifleman, soldiers of OUN and UIA.

In November, radicals also held a number of mass actions. On November 4, members of Svoboda spoke against the “Russian March” held in Odessa. They chanted — “Stepan Bandera is our hero!”

On November 16, representatives of Svoboda organised a rally and a torchlight procession in Kharkiv (gathering around 150 people). Par-

ticipants were holding banners saying, “Aliens are a threat to the nation,” “A.C.A.B.” (“All Cops Are Bastards” — “SQ”), “Svoboda — for state control of migration,” “Sloboda — Bandera region.” Marchers also chanted — “One race — one nation — One Fatherland — that’s Ukraine!” “Who owns Ukraine — Ukrainians!” and sang a song which contained the words “Буде Україна вільна, буде ненька самостійна і жидяра на ножі” (“Ukraine will be free, mother will be independent and Jews on knives”). A group of march participants chanted “Sieg Heil Rudolf Hess Hitlerjugend SS!”

In May, activists of the sexual minorities movement planned to conduct a gay parade in Kiev. In response, radicals held counter-protests in Kiev, Kherson, Donetsk and Ternopol. In Kiev on May 20th, they managed to gather up to 2 thousand of supporters, chanting homophobic slogans.

Police refused to maintain order, and the gay parade had to be cancelled. However, on May 20 and June 22, right wing radicals attacked several leading LGBT activists. Furthermore, fundamentalists also attacked the human rights activists, who were defending the rights of the LGBT community.

Online newspaper of the All-Ukrainian Organisation “ZUBR” published the following information on May 27th, 2012 — the text below is unchanged:

“In a united front against the homosexuals stood Odeesa’s ZUBRs, Orthodox activists, Stalin’s party, Black Hundred and the famous Nina Kochanovskaya — bane of all homosexuals, lesbians in the Party of Regions. After their defeat in the Russian capital, and glorious Kiev, the remaining homosexuals decided to lick their wounds on the shores of Russian sea in Odessa, where they wanted to hold their concert. Members of the Orthodox community of “George the Victorious,” Odessa ZUBRs, Stalin’s party, Odessa Black Hundreds, and Nina Kochanovskaya staged them their concert. With powerful loudspeakers, patriots hit on the night Odessa, on the French Boulevard, with patriotic songs.”³⁷

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

Most of the above-mentioned actions organised by “Svoboda,” especially in the regions, were attended by the deputies of Verkhovna Rada or the regional legislative assemblies affiliated with this party. Particularly active in this regard were the Svoboda deputies Irina Fation — who is the initiator of a whole number of Russophobic initiatives in Verkhovna Rada, and particularly in the Lviv Regional Council; Yuri Mikhhalchishin, publishing the Nazi “classics” and not hesitating to raise his hands in a Nazi salute; and Oleg Tyagnibok himself.

In December, Svoboda activists were the initiators of several fights in the Verkhovna Rada — because of the voting with other MP's cards, because of the deserters to the Regionals' camp, due to Communists' intentions to form a faction, because of the Russian language, which some deputies used to talk from the tribunes. "Svoboda" representatives were involved in the majority of incidents related to xenophobic violence.

- Presence of "football xenophobia" and racism amongst sports fans.

On February 22, Council of Europe drew Ukraine's attention to the problem of neo-Nazis and skinhead football fans, before Ukraine was supposed to host a football championship Euro-2012. Council of Europe stressed that the "Ministry of Foreign Affairs (of Ukraine) abandoned its efforts to systematically monitor racist incidents. Moreover, the magnitude of the problem is masked due to the fact that the perpetrators of hate crimes are usually prosecuted as hooligans."

Preparations for Euro 2012 were discussed on 23rd of January 2012, at a regular meeting of "Ukraine Without Nazism" Discussion Club, where its members talked about the threat of the activation of neo-Nazi movements, which may use football for provocations and incite clashes. The meeting was attended by famous athletes, officials and members of the Parliament. In their appeal, they directed the attention of relevant authorities and institutions of Ukraine to the threat of neo-Nazism.

On February 16, at an International Conference on security arrangements during the Euro 2012 Championship, Ukrainian Ministry of Internal Affairs reported that it has a database of football hooligans, which contains more than 1,250 names. Furthermore, it will be supplemented with the names of aggressive and therefore potentially dangerous fans from Poland and other participating countries.

On February 22, a training session, entitled "Football — language of mutual understanding. Xenophobia — offside," was conducted for senior football stewards (their deputies) and leaders of the volunteer groups that work on the stadiums in the cities hosting Euro 2012 Championship (Donetsk, Kiev, Lviv and Kharkiv).

Nevertheless, in May, a Nigerian midfielder from the Kiev's "Dynamo" — Lukman Haruna — was faced with racism in Ukraine. Player who played 23 games in the 2012 season in blue and white noted that "In Ukraine, black people are often subjected to insults and name-calling, but I do not let them affect me, since I came here for one reason — play football."

Then, a defender from Kiev's "Dynamo" Betão also complained about manifestations of racism in Ukraine — "This is a racist country. They are against blacks, against Arabs and against the poor. Children look at me like an alien. Are they not taught in school that there are also other races?"

Leonardo Machado, who played for Kiev's "Dynamo" in 2002, agrees with his former teammate. According to the forward, people specifically stopped on the streets to stare and touch his African Brazilian secretary.

On May 28, BBC channel aired a documentary called *Stadiums of Hate*, dedicated to racism in Ukraine and Poland. After some members of the Ukrainian law enforcement and officials tried to deny facts of racism, BBC stated that the film is not biased, and stressed that Ukrainian politicians have never condemned manifestations of racism.

"Panorama filmed at nine recent football matches in Poland and Ukraine and at every one recorded racist and/or violent behaviour by football supporters," BBC said, "This was most graphically demonstrated in Ukraine, where a group of Asian students were viciously assaulted inside the Metalist stadium, which is hosting Euro 2012 matches. To date no politician, football or police official in Ukraine has condemned these incidents or expressed concern for those on the receiving end."

Meanwhile, Viktor Yanukovich stated in July that "hosting the European Football Championship in our country proved to the world that we do not have racist and xenophobic directions. All attempts to discredit Ukraine before the world community have failed."

On July 21 in Lviv, after a football match involving a local "Karpaty" FC, whose fans are known for their radical right wing views, a group of nationalists attacked the "Bukovsky" club, which hosted a concert of Ukrainian and Hungarian groups. Even though the concert did not have any political overtones, some of the performing bands are known for their antifascist positions. The victims recognised the attackers as members of an informal radical right movement of "Autonomous Nationalists." Some of the attackers were wearing clothes with symbols and signs of FC "Karpaty," and almost all of them were dressed according to a common in the football environment fashion. During the beating, the attackers screamed "Seig Heil" and other Nazi slogans.

On July 22 in Kiev, around 60 football hooligans supporting "Dynamo" and "Obolon" FC attacked a group of "Arsenal" FC fans at "Lukyanovskaya" subway station. Arsenal fans were traveling on a bus to a stadium, where the Arsenal — Dynamo match was to be held that evening. Many active Arsenal fans are known for their antifascist positions, whereas Dynamo and Obolon fans hold radical right views. In the capital, only the Arsenal fans openly state the unacceptability of racism at the stadiums (in the regions, this position is also held by part of the "Dnepr" FC fans).

The political-ideological undertones of the incident was evidenced by the fact that during the football match between "Arsenal" FC and "Dynamo" FC, held in the evening after the fight, Dynamo fans hung a banner, saying "Death antifa," and decorated with a Celtic cross — a popular neo-Nazi symbol among the radical right-wing football scene.

FC Karpaty Lviv was fined for 35 thousand hryvnia for the fan banner containing Nazi symbols and the use of pyrotechnics during the match with “Volyn.” Furthermore, during the match, “Karpaty” fans insulted their rivals with obscenities and throwing plastic seats on the field.

At a basketball game between the Israeli team “Hapoel” and BC “Builder,” which was held in the Sports Palace on November 28, skin-heads filling the sector started shouting anti-Semitic slogans when the Israeli team started winning.

They shouted “Beat the Jews” and “Jews, go home.” Israelis were saved by the Brodsky synagogue security, which formed a ring around their fans. Police was completely ignoring the situation. “Hapoel” fans were led out in a dense ring of synagogue’s internal security.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities	-5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities	-5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies	-5
×	Presence of “football xenophobia” and racism amongst sports fans	-5
	Total for section 9	-20

10. Racist attacks, violence and terror

Indicators

- Vandalism in cemeteries, attacks on religious buildings.

Vandalism in Ukraine in 2012 was directed primarily against the monuments to the fallen Soviet soldiers, Holocaust Victims memorials, Jewish and Muslim cemeteries. Less frequent were the attacks on religious buildings (Jewish, Protestant or Jehovahist). According to an expert on the monitoring of hate crimes from the Congress of National Communities V. Likhachev, the number of acts of vandalism against Jewish objects and

shrines is decreasing in recent years.³⁸ They are often “timed” to Jewish religious holidays. However, sometimes there are facts of thoughtless construction, which harms religious buildings or cemeteries.

In Kremenchug, Poltava region, unknown vandals threw a Molotov cocktail at a synagogue on January 1st — Bandera’s birthday — damaging part of the building. Representatives of the local police department stated that the fire damaged the reinforced concrete beam of the synagogue.

On February 20, an anti-Semitic inscription and a swastika appeared on the fence adjacent to the recently opened “Giymat Rosa” synagogue in Zaporozhe.

On March 20, in Mirnoye village, Simferopol, a 32-year-old local resident drove over the burial ground, destroying four graves and breaking several gravestones. According to the spokesman of the Spiritual Administration of Muslims of Crimea Aider Adzhimambetov, “the car spun around as if it was in a race. It is evident that some graves were kicked.” This is not the first case of vandalism in Crimea related to Muslim cemeteries. The previous act of vandalism was accompanied by the inscription “Tatars, get out of Crimea.” However, the suspect claimed that he simply lost control of the car.

A memorial to victims of the Holocaust, located at the crossroads at the entrance to Theodosia, is constantly subjected to vandalism. Last time, this happened in March 2012. A criminal case was initiated against the “grave-diggers,” who conducted excavations on the 10th kilometre of the Theodosia highway — place where on December 11–13, 1941, fascists executed more than 14 thousand Jews and Crimeans. Seven people are currently being questioned. Three of them were given a preventative punishment — a detention pending trial. Traces of gravediggers were found on April 22 by the members of Jewish organisations of Simferopol, who arrived to plant seedling at the Memory Alley, commemorating the Day of the Holocaust and Holocaust victims.

On April 6, on the eve of a Jewish Passover, unknown assailants burned the Kherson Jewish cemetery. Around 700 m² of the cemetery was burnt. Many graves were damaged, several obelisks cracked from high temperatures, all vegetation burned to ash. Ministry of Emergency considers arson by an “unknown subject” the most likely cause of the fire. Residents of the houses adjacent to the cemetery say that this is not the first act of vandalism. Members of the city’s Jewish community annually hold Subbotniks at the cemetery, cleaning the accumulated rubbish, but its maintenance and protection requires much more resources, which the public organisation simply does not have.

On April 24, a Mass Grave, the so-called “Field of Memory,” located 10 km from Simferopol near Trudovoe village was desecrated. The grave contains ashes of more than 14 thousand of Jews and Crimeans executed by fascists in December 1941. The mass grave was torn up, with

human bones and skulls scattered everywhere. All this was done by vandals a few days after the 68th anniversary of the Liberation of Simferopol from the Nazi occupants, which the city celebrated on April 13. Vandalism was accidentally discovered by members of national communities, which were arrived to the site in order to plant a Memory Alley.

In early June, unknown vandals desecrated the memorial complex in “Sosonka” tract in the town of Rovno, where on November 6, 1941, Nazi occupants executed 17,500 Jews. At the scene, police found the damaged tile near the monument at a mass grave in the middle of the cemetery. 11 lights along the perimeter of the memorial were also shattered. Unknown assailants also desecrated the place for laying of flowers and scattered the candles. At the entrance to the memorial, they used the parts of the broken lights to post obscene words. Police initiated a criminal case on this incident, under part 2, Article 296 of the Criminal Code (hooliganism).

In the city of Novomoskovsk, Dnepropetrovsk region, vandals desecrated a memorial to the executed civilians during the fascist occupation. In the early morning of July 1, assailants painted the memorial “Remember for the Future” with red paint, drawing fascist swastikas. The desecrated memorial complex, inaugurated on May 22, is located on the outskirts of the city. Jewish community initiated the establishment of this monument, by raising funds for its installation. Monument has engraved names of the executed people, as well as Hebrew inscriptions. The local police department initiated a criminal investigation into the incident under part 2, Article 296 of the Criminal Code (hooliganism).

On the night of August 4, Jehovah’s Witnesses’ houses of worship were set on fire in Enakievo and Debaltsevo. The same happened in a number of cities on October 7.

On September 4 in Bilohirsk (Crimea), unknown vandals destroyed the fencing of an ancient burial of holy Muslim scholars (ulamas) “Az-izler,” drawing a swastika on a memorial stone. The police and Ukrainian Security Services arrived to the scene and initiated a criminal case. However, acts of vandalism at this site happened again on November 16 and 26.

On October 2 in Saki, law enforcement officers detained two minors, suspected of damaging monuments at the cemetery. Young vandals smashed crosses on the graves and tiles on the pedestals, and plundered the metal parts of the fence. Teenager’s wrongful acts fall under Article 297 of the Criminal Code of Ukraine — “desecration of graves and the theft of items in places of burial.” Considering the age of the suspects (younger than 16 years old), they cannot be prosecuted, so the liability will fall on their parents upon the conclusion of police investigation. They will be charged with inadequate performance of parental duties, and will have to pay a fine.

Early on the morning of December 1, unknown assailants attacked a security guard on the territory allocated for the future construction of a mosque in Simferopol, throwing Molotov cocktails at the security trailer.

On December 15 in Kiev, a small temple of the Desyatynny friary of Nativity of the Blessed Virgin (of the UOC MP) was set on fire.

- Inter-ethnic clashes instigated by xenophobia and radical nationalism.

Cases of inter-ethnic clashes were not recorded by the monitoring in 2012.

- Cases of violence, including murder on racial, ethnic and religious grounds.

Kharkiv Human Rights Group, supported by the German “Remembrance, Responsibility, Future” fund, conducted a monitoring of 17 Ukrainian regions and government institutions from April 2011 to April 2012. According to the co-chair of the Kharkiv Human Rights Group Yevgeny Zakharov, the situation has worsened over this period. Human rights activists recorded 62 hate crimes, 23 cases of desecration of graves, religious buildings or monuments, and 38 cases of hate speech by public officials, 30 of which concerned Roma. Hate speech is more characteristic to the Western regions of Ukraine. In addition, monitoring recorded 27 attacks against foreigners, which affected 48 foreign citizens — which is considerably more than in 2009–2010.

Zakharov reported that most of the victims of hate crime are foreigners (immigrants from Asia, Africa and Caucasus), people of non-Slavic appearance and LGBT activists. These are followed by Roma, Crimean Tatars and a Jewish religious group.³⁹ According to human rights activists, the most xenophobic area of Ukraine is Crimea.⁴⁰ A. Likhachev reports that the number of racist attacks was growing in 2010–2011, but started to decrease in 2012. In 2011, there were 54 victims of racist attacks, but in 2012, this figure consisted of just 19 people. On the other hand, the number of homophobic crimes and attacks on the left wing activists increased. Facts of intolerance towards Jews and Crimean Tatars were also reported.⁴¹ However, Ministry of Internal Affairs denies the presence of racism in Ukraine.

Here are some examples of the crimes recorded by the monitoring:

On January 5, at a market near “Lesnaya” subway station in Kiev, one of the visitors did not like the fact that one of the merchants, a Crimean Tatar, was listening to Quran recitation. Customer first verbally abused the merchant and then proceeded to physically attack him.

On January 14, near the capital market “Troeschyna,” a local resident has repeatedly struck a native of Pakistan with a brick wrapped

in a plastic bag and ran away. Law enforcement were extorting a bribe from the victim for their assistance.

On January 19, during a commemorative event of Russian antifascists Stanislav Markelov and Anastasiya Baburova, neo-Nazis, including the Svoboda activists, staged an attack against antifascists, beating the youth.

In Kiev, monitoring recorded five attacks against the social activists, organised by none other than the Svoboda party functionaries and deputies. Attacks on student activists occurred in other places as well (in Kharkiv, Simferopol, Sevastopol), resulting in several injuries of varying degrees. An armed attack happened in Simferopol railway station against the participants of the antifascist student movement who were returning from the screening of a film dedicated to A. Baburova — a journalist who was killed by neo-Nazis in Moscow.

On January 27, four local Odessa people lured a young Congolese man into a park, where they mugged him, stabbing him several times. The police officers that arrived to the hospital refused to take a statement from the victim, claiming that he always cries and does not perfectly speak Ukrainian language.

On April 20, Adolf Hitler's birthday, six neo-Nazis attacked a left-wing trade unionist Andrei Movchan in Kiev. Movchan was supposed to give an interview to the "Inter" TV channel. During the attack, TV reporters were 50 meters away, but the operator only managed to record the victim's shattered head. Presumably, the attackers were football fans from the All-Ukrainian Union "Svoboda."

On May 9 in Makiivka, Donetsk region, unknown subject shot the president of the "Congress of Azerbaijanis in Donetsk Region" Makhmudov Iqbal Beyukkishi oglu. A 35-year-old Makhmudov resided in Ukraine since 1995, was a Ukrainian citizen, a famous Donetsk entrepreneur, founder of "Azud" and engaged in charitable activities. A criminal case was initiated on the fact of murder. It was found that when Iqbal Makhmudov left his vehicle near Kaspiy coffee shop (on organisation's invitation and for the fundraising dinner for the Veterans of the Great Patriotic War), he was approached by two unknown men on a motorbike. One of them fired five shots at the victim, after which they both fled the scene. Victim received multiple gunshot wounds and died during surgery.

On the night of April 7, a group of hooligans (15 people aged 20 to 30) near the "ATV" shop on Sholom Aleichem street in Kiev were loudly shouting anti-Semitic slogans — "Beat the Jews, save Russia," "Cut Jews and paedophiles," etc. Hooligans also pestered passers-by, shouting "Take of your pants and prove that you are not a Jew" while wielding sticks and brass knuckles. At about 3 am, seven of them entered "ATV" shop, waving knuckles and pestering customers, while continuing to

shout anti-Semitic slogans. Hooligans assaulted several customers. The summoned police officers also spoke negatively about Jewish people.

On May 13, in Konstantinovka, Donetsk region, a young skinhead assaulted three American Peace Corps volunteers.

On May 31, unknown assailants burnt down a Gypsy camp, which was located on Berezhnyakovskaya Street in Kiev for a long time, and housed around 70 Roma, who arrived to the capital from Beregova, Transcarpathian region. Most of them were children. People set up tents in the forest between Dnieper and the railway, earning money by gathering scrap metal. Sometimes the locals helped with food and clothing. According to the Roma, they recognised familiar police officers in some of the attackers. Those had regularly visited the camp, collecting 10–15 hryvnia from the Roma. Kiev police department did not comment on the situation, noting that investigation is only possible after Roma file a statement of police misconduct.

In Kharkiv, unidentified persons attacked a black 9th grade student, inflicting four knife wounds, and twice stabbing his friend.

In early July, not far from a synagogue in the city of Rovno, three young men attacked a city rabbi, smashed his glasses and sprayed pepper spray in his eyes. Later, on September 21, a chairman of “Chesed Osher” charity fund in Rovno, Gennady Fraerman, and his driver were attacked by five young men.

At 6 am on October 19 in Lviv, a famous trauma surgeon Leon Frayfeld died of brutal beatings. Police reported that they detained a 26-year-old Moroccan who killed the doctor, and he was placed in temporary detention. A criminal case under article “Premeditated murder” has been initiated.

On October 5, during the search of suspect’s apartment, in the case of murder of three guards, police found neo-Nazi literature. Besides an arsenal of weapons, police found CDs containing neo-Nazi materials, and Adolf Hitler’s “Mein Kampf.” Police believes that the suspect was a loner neo-Nazi, since he did not participate in any of the known fascist groups in Kiev.

On November 17, in the town of Kirovske, a member of the radical Islamist party Hiz ut-Tahrir had violently beaten a local imam.

On December 1, ten neo-fascists in Ternopol attacked the four organisers of a launch presentation of “Spilne” — a social criticism magazine dedicated to the class exploitation and class struggle.

On December 8, radicals attacked LGBT activists in Kiev, who were protesting against the law banning the propaganda of homosexuality. Opponents had to be separated by the Ukrainian Special Forces “Berkut.” As a result, police detained several people.

On December 17, Svoboda activists physically threatened a chief editor of “Liva,” Andrei Manchuk.

- Terrorist attacks on the basis of radical nationalism and religious fanaticism.

In 2012, no terrorist acts on the grounds of radical nationalism or religious fanaticism were recorded in Ukraine. However, a criminal case was initiated against the Deputy Head of Chernihiv regional youth organisation of “Svoboda” Andrei Kuzhel, for placing a thermos in one of the Chernihiv landfills, which looked like an explosive device.

Criminal investigations continued regarding the so-called “Vasilkovsky terrorists” — members of a radical right organisation “Patriot of Ukraine,” who were accused of planning the explosion of the Lenin monument in Boryspil and a terrorist attack on the Independence Day in Kiev in 2011.⁴²

Typically, in August 2012, around a hundred of nationalists came to the Ukrainian Security Service building and declared that they are ready to storm it, if terrorists are not released.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Vandalism in cemeteries, attacks on religious buildings	-5
-	Inter-ethnic clashes instigated by xenophobia and radical nationalism	0
×	Cases of violence, including murder on racial, ethnic and religious grounds	-5
×	Cases of hate crimes	-5
-	Terrorist attacks on the basis of radical nationalism and religious fanaticism	0
	Total for section 10	-15

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

Ukraine has many antifascist organisations (International Antifascist Front (since 2009), Antifascist Committee of Ukraine (AFKU, cre-

ated by the Communist Party in 2006), Borotba, “Young Regions” — a youth wing of the Party of Regions), however, they are rather small. The All-Ukrainian antifascist movement “Ukraine Without Nazism” is active in Ukraine since 2011.

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

Despite their small size and fragmentation, Ukrainian antifascist organisations are very active. Some of these activities even involved certain deputies from the ruling Party of Regions. Some of the antifascist actions during 2012 are listed below:

On January 1, antifascists tried to prevent neo-Nazi processions. In Donetsk and Kiev, some of them were detained by the police. However, in Nizhyn, according to Svoboda’s press service, Ukrainian Special Unit “Berkut” detained four participants of the neo-Nazi march, pulling them out from the crowd for using pyrotechnics. However, after the march was stopped and participants returned to the place of detention, police immediately released the activists.

On January 19, around 200 antifascists held a march in Kiev, commemorating Stanislav Markelov and Anastasia Baburova, who were killed by right-wing radicals in Moscow.

Similar commemorative events, which neo-Nazis tried to disrupt, were held in eight other cities, including Kharkiv, Simferopol and Sevastopol. In Simferopol, a film was shown, dedicated to a Sevastopol journalist, Anastasia Baburova.

On February 10, more than 30 veterans in full uniform came into the Kamianets-Podilskyi City Council without a warning, protesting against the speech of a local Svoboda deputy, teacher in a national university, Viktor Pritulyak, who called the Great Patriotic War veterans the “government watchdogs.” While most of the City Council deputies stood up, welcoming the veterans, this member of Svoboda did not get up and apologise.

On March 16, Lviv “Young Regions” (youth wing of the Party of Regions) staged a youth rally at the Lviv Regional Council, “Decode from racism” (“RozKODiruytes ot rasizma!”). The action was participated by 500 young people, who showed MPs and the public a theatrical performance about the fact that Lviv region and Lviv in particular is a multicultural capital of the country, a place where people of different cities and countries live and study, and that the region has no place for manifestations of racism, chauvinism and xenophobia. The action was provoked by the racist statement against a singer, Gaitana, which sounded several weeks previously.

On May 1, anarchist demonstration was held in Kiev, participated by around 400 people.

On December 10, an antifascist march was held in Odessa, which involved various youth organisations of Ukraine: the all-Ukrainian Movement “Youth Unity,” Faithful Black Sea Cossack army of B Khmel-nitsky, “New Leftists,” Donetsk Youth Union and the Nikolaev Students Union. Organisers of the action sent an appeal to the President of Ukraine, General Prosecutor’s Office and the Governor of Odessa.

On December 2012, VII convocation of the Verkhovna Rada of Ukraine started its work, containing representatives of the radical nationalist forces for the first time in the history of independent Ukraine. Chairman of the Antifascist Coalition of Ukraine, presidium member of the international human rights movement “World Without Nazism” Stanislav Stukalsky expressed deep concern with this fact:

“A great achievement of the independent and democratic Ukraine — national tolerance, which is a guarantee against ethnic and religious conflicts — is under threat.”

His address also highlighted the importance of avoiding propa-ganda and manifestations of extremism, xenophobia and neo-Nazism in the Parliament of VII convocation.

On December 18, during a picket at the Verkhovna Rada of Ukraine, around fifty “Borotba” movement activists, to the sound of revolutionary songs, trampled the symbolic figure of a “cardboard fascist,” with the face of Svoboda’s leader Oleg Tyagnibok dressed in an SS tunic. They chanted slogans — “Kiev, be brave, drive the fascists away!” Another group of Borotba activists ignited smoke bombs in front of the Verkhovna Rada, over which hovered a red airship with the words “Careful! Fascism is Free!” (“*Осторожно! Фашизм на SSвободи*”).)

On December 21, Odessa City Council made a decision to rename the street named after nationalists Ivan and Yuri Lyp. On December 27, members of the civic association “Dozor” changed the signs on Ivana i Yuriya Lipy Street, thus executing the decision of the City Council.

On December 27, in the centre of Kiev, activists of the Borotba movement, dressed in uniforms of Nazi concentration camp prisoners, with the attached yellow Star of David, picketed the Ministry of Justice of Ukraine, shouting “I am a Jew!”. Activists protested institution’s decision not to condemn the Svoboda deputy Igor Miroshnichenko, who called a Ukrainian Hollywood actress Mila Kunis a “Jewess” on his social network page.⁴³

- Presence of anti-racist and anti-fascist civic initiatives.

On January 19, Galician Regional Court of Lviv prohibited the dismantling of a symbol of Victory over fascism — Monument of Glory, despite the demands of the Ukrainian nationalists. Great Patriotic War veterans and members of the left parties of Lviv gather around this monument to celebrate May 1st and 9th. After winning a case in the court

of first instance representative of the Antifascist Committee of Ukraine Oleksandr Kalenyuk stated — “This symbol over Nazism will now become a symbol of victory over neo-Nazism and Ukrainian nationalism.”

On January 25, by the initiative of the Jewish Forum of Ukraine, Verkhovna Rada hosted a roundtable involving Ukrainian MPs on “Lessons of the Holocaust and the culture of memory in Ukraine.” All regional centres of Ukraine hosted memorial nights and rallies, held lessons of memory, roundtables, exhibitions and new expositions in museums. Memorial prayers were read in Ukrainian synagogues on Friday, and commemorative stones were laid at places of execution of Jews. Forum’s initiative on holding memorial events was supported by the leaders of the regional administrations and mayors of Chernigov, Cherkassy, Kherson, Nikolaev, Kharkiv, Sumy and other Ukrainian cities. On January 27, the International Holocaust Remembrance Day was celebrated at the governmental level for the first time in Ukraine, with the participation of country’s top officials.

On May 14, Antifascist Committee of Ukraine (AFKU) appealed to Ombudsman V. Lutkovsky, with a request to support the amendment to the order of the Ministry of Justice (8.10.1998) No. 53/5 “On Approval of the appointment and execution of judicial examinations and expert studies and scientific recommendations for the preparation and appointment of judicial examinations and expert studies,” which listed expert organisations in various fields. Since it lacks such field as inter-ethnic relations, a professional judgement of a specialist on the facts of (or lack of) incitement of ethnic hatred cannot be considered expertise. This makes it impossible to initiate criminal proceedings under Article 161 of the Criminal Code of Ukraine, which should prosecute the incitement of ethnic hatred. AFKU proposed to specify the Institute of Political and National Studies of the Ukrainian National Academy of Sciences as the expert in ethnic politics.

Press service of the Progressive Social Party of Ukraine (PSPU) distributed an appeal on May 14:

“If you remember and are proud of the deeds of your grandfathers, who were victorious in the fight against fascism, take part in the action “I do not feed the Nazis,” “Boycott against Galician goods.” All you need to do is simply refuse to buy goods produced in the cities that hold fascist gatherings, trample the red flag of Victory, assault veterans and antifascists, erect monuments to Bandera, Shukhevich and destroy memorials to Soviet worriers, where the streets are named after the “Nachtigall” battalion and other Nazis, where SS soldiers from “Galicia” are glorified.”

On May 21, PSPU’s press service reported about a plenary session of the CIS Interparliamentary Assembly, held on May 17th, which adopted a model law between the Commonwealth countries “On the

inadmissibility of actions for the rehabilitation of Nazi, glorification of Nazi criminals and their accomplices.”

Member of the IPA CIS Permanent Commission on Political Issues and International Cooperation, president of the International Human Rights Movement “World Without Nazism,” Senator Boris Spiegel noted the political importance of this document.

“It is impossible not to pay attention to the strengthening radicalism of neo-Nazi organisations, the political influence of right wing radicalism. The process of glorification of Nazism is gaining momentum in the Eastern European countries, as well as in the Baltic States; sometimes this finds support at a governmental level,” Spiegel pointed out.

On September 3, a number of scientists and artists appealed to the Kiev administration, requesting to return historical names to several streets of the capital.

“We are announcing a petition among all Kiev residents for returning historical names to Simon Petlyura and Ivan Mazepa streets — Ignatyevskaya and Nikolskaya respectively. This is how these streets were named since their construction in XVIII and XIX centuries,” says their appeal to the chairman of KSCA Alexander Popov and Kiev City Council Secretary Galina Gerega.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-racist and anti-Nazi movements and parties	5
×	Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations)	5
×	Presence of anti-racist and anti-fascist civic initiatives	5
	Total for section 11	15

12. Glorification of German National Socialism and collaborators of Nazi Germany

Indicators

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

Both the leaders of the independent Ukraine in 1918–1920, and the collaborationists fighting for the Nazi Germany during Second World

War, are being glorified in Ukraine in search for national heroes, making no difference between them. Both of them are presented as “defenders of independence.” These sentiments are supported by several famous politicians.

On October 9, 2012, former president of Ukraine Viktor Yushchenko stated that the only real winner in the Second World War was the Ukrainian Insurgent Army (UPA).

“What did Germany want? What did the Soviet Union want? And what did they get? UPA wanted an independent Ukraine, and this is exactly what we have now. UPA was the only winning side in World War Two,”⁴⁴ Yushchenko said.

In April, Lviv billboards were filled with posters glorifying the SS division “Galicia,” with a slogan — “National Treasure — Ukrainian Division Galicia. They defended Ukraine.” In May, timed to the 65th anniversary of its establishment, an exhibition of its history was opened in Lviv, presenting uniforms and awards.

In early June, a monument to Vasily Skrigunets “Gamalia” (1893–1948) — Sergeant of Huzul Kuren UPA, who was killed in a battle with the KGB — was unveiled in the village of Stopchatov, Kosovo district of Ivano-Frankovsk region. The monument was built using charity funds. The opening of the monument was attended by the chairman of the Congress of Ukrainian Nationalists Stepan Bratsyun and his deputy Yevgeny Lupakov, heading a large delegation of the CUN. The unveiling was also participated by the consolidated regional unit of the All-Ukrainian society Bandera “Trident” (“Trizub”).⁴⁵

A memorial plaque was installed in Kiev, dedicated to the Ukrainian diplomat of the Directory and getman Skoropadskyi and raciologist Vyacheslav (Vaclav) Lypynsky, Polish by birth and “Ukrainian by choice.” He once became disappointed with the UNR and its leaders, heavily criticising democracy: “A spirit dominated between them, destructive, envious, angry, at the same time flattering, deceitful and servile. Because all of these — may be even good, capable and honest people individually — together created a destructive, decomposing body, called democracy.”

On the “Day of Heroes” in Ivano-Frankovsk park of Bortnichi, military re-enactors recreated the battle between UPA warriors with the NKVD, with the involvement of Svoboda deputies from the Strytskyi city and regional councils, as well as members of the Society for the search of war victims “Memory.” Cannon shots, rifles, house arson — everything realistically recreated the picture of that time.

A restaurant called Kryjivka was opened in Lviv to remind visitors of the UPA of WWII period. The interior of the restaurant was decorated in accordance with the “national military traditions.” In order to enter, visitor must say the password — “Glory to Ukraine.” After having

dinner, guests can have fun in a shooting range. “We remember our heroes, who fought against our enemies, defending the Ukrainian independence. Krujivka is a place where the fight still goes on,” says the restaurant’s website.

Efraim Zuroff, director of the Simon Wiesenthal Centre, appealed to the football fans located in Lviv to not visit the “anti-Semitic and nationalistic” restaurants, such as Under Golden Rose (“Під Золотою Розою”) and Kryjivka

In July, a photo exhibition was held in Poltava, timed to the 71st anniversary of the Act of the restoration of Ukrainian State, and 105th anniversary of Roman Shukhevich (Hauptmann Abwehr). The event was organised by the local branches of “Youth National Congress” and “Ukrainian Matter” (Ukrainskoye Delo).

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

Acute issues related both the collaborationists and actions of the Soviet power in Ukraine are splitting the society. Glorification of collaborationists mainly takes place in the west of the country. Often, this is supported by the local authorities, which is especially characteristic of the western Ukraine.

On March 17, Lviv regional council approved the regulation on the Stepan Bandera award, which is planned to be awarded on the eve of January 1 — Bandera’s birthday. However, in 2012, as an exception, the prize was awarded on June 30, the day of promulgation of the Act on the restoration of Ukraine State (June 30, 1941) in Lviv. According to the regulation, the prize is awarded for achievements in state building to public and political figures.

Ukrainian Communist MP Yevgeny Tsarkov appealed to Verkhovna Rada with a demand to deal with the neo-fascist and technological threat posed by the transformation of Hitler’s Wehrmacht HQ “Werewolf,” located north of Vinnitsa. According to him, “the place is steadily transforming into a breeding ground of neo-Nazism. Tourists are told about the life of Fuhrer and Eva Braun. A Nazi sign is now hanging at the entrance to the museum.”

There is also an increasing number of Nazi attributes: sale of books and CDs popularising the main Nazi criminal Adolf Hitler. At the same time, unauthorised works are being held on the territory of the preserve. Part of the land was covered with asphalt to make the recording of underground construction impossible.

On April 17, in Gyrby woods (Bederazh village, Zdolbunovsky district of Rivne region), Svoboda activists participated in a memorial

service and a theatrical action dedicated to UPA warriors, who were killed in battle with NKVD. Then, from April 28th to May 1st, 2012, a commemorative patriotic sports game “Gurby-Antonovtsy” was held in the wooded area between Antonovtsy, Ternopol region, and Gurby. It was traditionally held on the territory of Rivne, where the largest battle in UPA history occurred in May 1944. The game, organised by the All-Ukrainian youth organisation “Nationalist Youth Congress,” was held with the support of a public initiative “Renewal of the Country” (Obnovleniye Strani), Department of Family, Children and Sports of the Regional State Administration, Ternopol City and Regional Councils, Ternopol regional Youth Instructional Centre and the Union of Entrepreneurs “Svoi k svoemu za svoje” (“Own to his own for his own”). The prize fund was UAH 10,000 [approximately RUB 41,491 or USD 1,237]. As was noted by the Chairman of the Nationalist Youth Committee Sergey Kuzan, “Today our field is 25 squared kilometres, but tomorrow it should be the whole Ukraine.”

In May, the Day of Heroes, dedicated to the memory of collaborationists killed in the “national-liberation battle” was celebrated in Lviv. Veterans of the Ukrainian Insurgent Army (UPA), Lviv regional council administration, representatives of political parties and non-government organisations laid flowers and wreaths to the monument of OUN—UPA leader Stepan Bandera, followed by a short rally. Marchers were holding banners saying: “Bandera and Shukhevich — heroes of the nation! They fought for our freedom,” “We demand to recognise OUN—UPA and award Bandera with the title of Hero,” “Bandera, Shukhevich — our heroes! They fought for you and me.” 12 young people were holding a state flag of Ukraine, larger than 10 metres. Demonstrators chanted — “Heroes do not die! Enemies die!” “Glory to Ukraine! Glory to heroes,” and others.

On July 1, a monument to General Roman Shukhevich was unveiled on the day of his 105th anniversary in Kalush, Ivano-Frankovsk region. “We have to take all the best, the pointers given to us by Shukhevich, Bandera, Konovalts and others, and make sure that Ukraine is really a Ukrainian state, so that Donetsk criminal oligarch clan is gone!” — Svoboda press service quoted Tyagnibok.

July 6, Commission on the names and memorials of the Kiev City Administration (KMDA) supported Svoboda’s initiative regarding the renaming of Lenin Streets to:

Street of centurion Averky Goncharenko (petty office of SS “Galicia” division) — In Darnitskyi district, Bortnichy neighbourhood;

Street of Ataman Zeleny, who was the instigator of pogroms in Pogrebishe (in August 1919, 400 people were murdered, including 200 women), White Church, and others — in Solomensky district, Zhulyani neighbourhood.

Alexandr Zagrodsky Street (General, who said “look at Moskals as on dirt” member of the Polish aggression against Ukraine in 1920) — in Desnyansky district, Troeshina settlement.

Aleksei Almaziev Street (General, member of the Polish aggression against Ukraine in 1920) — in Svyatoshyynskiyi district.

In May, at the initiative of “Geroika” organisation in Sokolovka village, Zhashkovsky district of Cherkassy region, a square was named after the UNR General Gavriil Bazilsky (1880–1937), who was the chief of the 1st Zaporozhe Infantry Division of UNR Army from October 12, 1920, and participated in the aggression against Poland in Ukraine in 1920. This decision was supported by local deputies. Furthermore, on July 29th, the square had a solemn consecration of a memorial sign to the UNR soldiers. The monument recreates the “Simon Petlyura Cross,” a military award of the UNR army.

On June 22, Volyn regional council adopted an appeal to the Verkhovna Rada of Ukraine with a request to recognise OUN—UPA soldiers as combatants during the Second World War. This decision was also supported by the Party of Reforms deputies of the regional council.

Festival of Ukrainian Spirit “Bandershtad” (as described by the organisers of the event themselves), was held from 3rd to 5th of August in Lutsk. The festival was timed to coincide with the 70th anniversary of the UPA, aiming to perpetuate the image of Stepan Bandera as a national symbol. The event was closed to those not possessing a ticket. For three days, festival promoted xenophobia and ethnic intolerance. Exaltation of one nation through humiliating the other became a norm. The festival was held under slogans: “Ukraine for Ukrainians,” “Glory to the nation! Death to the enemies!”

At the entrance to the festival, visitors had to fill in a “memo,” answering questions such as: “Were you brought up in the occupied territory?” “Are you a Moskal? (i.e. Russian).”

In Lutsk, construction works of a memorial to Stepan Bandera started in front of the registry office (at the crossroad of Sobornosti and Molodezhi avenues), financed by the city budget.

Lviv regional authorities decided to install 70 memorial signs at the paces of UPA warriors’ deaths, for the 70th anniversary of UPA’s establishment — October 14, 2012. The first 10 memorials started construction in late August. Historical information will be placed at the memorials, and the place itself will be listed among the monuments of history.

On October 13, a “Rebel Tram” started running in Lviv, decorated with corresponding symbols. During its route, musical bands and bards sing nationalist songs inside the tram. This is part of the events organised for the 70th anniversary of UPA.

On September 13, it was reported that Lviv school pupils will soon receive their independent Ukrainian history textbook, which will finally

realise all the dreams and aspirations of Galicians — main heroes of history will be Stepan Bandera and Roman Shukhevich, and all Soviet history will come down to Golodomor and the struggle against Ukrainian language. The current government will be declared anti-Ukrainian and the only patriotic forces will be the parties constituting the majority in Lviv regional council.

On September 19, the remains of the 13 warriors of SS “Galicia” division, who were killed in the battle at Brody in 1933, were solemnly reburied in Lviv region. The remains of the fallen at “Brody pocket” were found by searchers in 2011–2012 in Buzhok village, and near the villages of Krugy and Kotly, Zolochovsky district. The reburial ceremony started with a dirge, served by local priests and attended by representatives of the Lviv and Zolochovsky regional councils and members of the regional NGOs. Volunteers and students of the Bogun School, dressed in Wehrmacht uniforms, solemnly buried the coffins with the remains at the Military Memorial Cemetery near Krasnoye village.

On October 22, a monument to a famous nationalist Yevgeny Konovalets — participant in the aggression against Ukraine in 1921 — was unveiled in Ivano-Frankovsk, at the initiative of the “National Choice” organisation. Monument was consecrated by priests, headed by the lord of the Ukrainian Greek Catholic Church Sofron Mudry. Participants of the event laid flowers and wreaths to the monument. At the solemn gathering, chairman of the regional council Alexandr Sych, representative of the OUN—UPA Brotherhood of Carpathians Foty Vladimirsky, Mayor of Ivano-Frankovsk Viktor Anushkevichus and Konovalets’ compatriots from Lviv region have all made speeches.

In mid-September, members of Svoboda opened a “Museum of the liberation struggle” in Lviv, glorifying the activities of Ukrainian nationalist organisations. A separate exposition was dedicated to the SS “Galicia” division.

While Nazi collaborators are glorifying, and their memory is perpetuated with monuments and memorials, in some cases the memory of the fallen Soviet soldiers, who liberated Ukraine from the fascist occupiers, is being attacked, including vandalism on cemeteries and destruction of monuments.

For example, on April 20th in Lviv region, another scandal broke out around the memorial to the fallen Soviet Soldiers in the Second World War, installed during the Soviet era. At a regular Turka City Council session, 24 out of 30 deputies voted in favour of demolishing the monument.

“This issue has been brewing for a long time,” said one of the initiators of this decision, Ruslan Shiyan, “We believe, that the deceased

should rest in the cemeteries, and in the centre of the city, there should be parks, squares and museums. Besides, it is unclear who is buried there or whether buried at all. The frontline never passed here, there were no battles...”

Meticulous MPs even turned to the Society of War Victims “Memory” with a request to investigate the mass grave. If it turns out that there are really the Soviet soldiers buried, the remains should be exhumed and reburied in the city cemetery. All of this is reminiscent of the events in Tallinn five years ago, where, despite the mass protests, a similar monument was moved away from the city centre.

- Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities.

In April, the Kiev Administrative Court of Appeal refused to satisfy the appeal of the leader of the Progressive Socialist Party of Ukraine (PSPU). Natalia Vitrienko demanded to recognise as illegal and cancel the Presidential Decree No. 75/2010 (28.01.2010) to honour the members of the nationalist organisations from the Central Rada to the Organisation of Ukrainian Nationalist — Ukrainian Insurgent Army (OUN—UPA) as “fighters for the Ukrainian Independence.” The Decree also included the military formations, which Ukrainian nationalists were part of (battalions “Rolland,” “Nachtigall,” “Galicia” SS, Security Police, SD, and others)

On March 22, Verkhovna Rada of Ukraine decided to celebrate the 120th anniversary of patriarch Joseph Slipoy of the Ukrainian Greek Catholic Church at the governmental level. Joseph Slipoy was a confessor of the 14th division of Waffen SS “Galicia,” which was sentenced for war crimes by the Nuremberg Tribunal⁴⁶.

In general, it must be recognised that the ruling party condones many manifestations of nationalism and neo-Nazism in Ukraine. Particularly, in 2012, President still has not signed decrees removing the “Hero of Ukraine” titles from Stepan Bandera and Roman Shukhevich, known collaborationists during the war.

- Historical revisionism, Holocaust denial.

Based on the above, it is clear the historical revisionism, directed at reviewing the results of World War II and glorification of Nazi collaborators, was widespread in Ukraine over 2012. During the monitored period, there were cases of online distribution of materials denying the participation of “Nachtigall”⁴⁷ battalion and SS “Galicia” division in the Holocaust. Nationalist books are widely sold, some of which have works of a number of authors in Russian language, who generally deny this crime.⁴⁸

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition	-5
×	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers	-5
×	Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities	-5
×	Historical revisionism, Holocaust denial	-5
	Total for section 12	-20

13. Persecution of veterans and partisans of the anti-Hitler coalition and anti-fascists

Indicators

- Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.

Such calls were not recorded by the monitoring in Ukraine in 2012.

- Restrictions imposed by the authorities on human rights and antifascist organisations. Bans to entry or exit imposed on antifascists. Authorities' inaction.

Such cases were not recorded by the monitoring in Ukraine in 2012.

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

In 2012, there were some individual cases of persecution of antifascists in Ukraine.

For example, on January 22 in Kiev, around thirty antifascists from "Borotba" organisation wanted to peacefully protest against the ultra-right torchlight procession. However, they were arrested at the subway

entrance. Antifascists, delivered to the Pechersk district police department, were threatened with beatings, forced to sign fabricated protocols. Ultimately, they were charged with disorderly conduct. However, such cases were rare, so it is impossible to talk about them as a general trend.

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists	0
–	Restrictions on human rights and anti-fascist organisations imposed by the authorities, bans to entry or exit imposed on anti-fascists by the authorities, inaction of the authorities	0
×	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists	–2.5
	Total for section 13	–2.5

14. International aspect

Indicators

- Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities.

Ukraine acceded to the most important international commitments to combat racism and discrimination, except for the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Ukraine has signed, but not ratified the Council of Europe Convention on Action against Trafficking in Human Beings.

- Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period.

Such cases were not recorded by the monitoring.

- International statements and initiatives against discrimination, neo-Nazism and xenophobia made by the monitored countries and their leading politicians.

In 2012, there was an international statement by a representative of the top political leadership of the country, about neo-Nazism in the modern world, which can be qualified in two ways. As already mentioned, in October 2012, Minister of Foreign Affairs Konstantin Grischenko stated that Ukraine will consider Israel’s concerns regarding Svoboda party’s entrance into the Verkhovna Rada,⁴⁹ which can hardly be attributed to the important international initiatives. Other statements were not recorded in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
-/×	Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities	5
-	Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period	0
-	International declarations and initiatives of the monitored countries and the leading politicians against discrimination, neo-Nazism and xenophobia	0
	Total for section 14	5

CONCLUSION

Implications for the development of the country and society, based on the analysis of factors and taking into account the aspects listed below.

1. Human Rights

- *Guarantees against any form of minority discrimination.*

Ukraine’s main problem is the absence of a coherent national policy. This is evident not only in the lack of government national strategy, but also in the sabotage of the adopted central decision in this field in the regions. Thus, despite the active development of legislation in the field of combating various forms of discrimination, Ukraine’s main problem is the implementation of the rule of law.

In addition, as long as the Svoboda faction seats in the Verkhovna Rada and the local governments, minorities will not be guaranteed against discrimination. The main cause lies in the same are — in the present state of affairs, local governments can ignore the laws adopted by the central government.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc).*

Ukraine is taking steps to bring its legislation into conformity with the European regulations. It is one of the few post-Soviet countries, including the Baltic States, which joined the European Convention of Regional and Minority Languages. In Addition, Ukrainian Law “On the principles of the state language policy” became one of the few examples in the post-Soviet space, where the state has actually given the regional status to the languages of national minorities. However, this work is yet to be finished. This is hampered by the fact that the country lacks the official statistics on hate crime, which prevents an objective assessment of the situation with xenophobia.

- *Differences between the rights and freedoms of the titular nation and ethnic minorities.*

At the moment, there is no such differentiation, however it is exactly what the All-Ukrainian Union “Svoboda” is trying to achieve.

- *Legislation enshrining inequality of minorities.*

In 2012, there was no such legislation in Ukraine.

- *Rulemaking in protection of minorities.*

Such rulemaking did take place in Ukraine in 2012, primarily in the form of the Kolisnichenko-Kivalov Law “On the principles of the state language policy” No. 5029-VI. This law guarantees the use of “regional languages” in Ukraine. A “regional language” is a language considered native by more than 10% of the population of a respective region, in accordance to the population census (Region is defined as “Oblast,” Autonomous Republic of Crimea, district, city, village or a settlement). Within such region, regional language can be used in the legislatively established areas on equal terms with the official Ukrainian language.

- *Violations of the freedom of speech.*

The principle of freedom of speech is generally well-maintained in Ukraine, except for the controversial law “On the rules of ethical conduct,” which forbade officials to criticise the government.

- *Legislation and law enforcement practices concerning immigrants.*

Immigrant issues is not a significant problem in Ukraine. Nevertheless, the country does have immigrants (foreign students, refugees, etc.), and it is impossible to say that they feel fully protected. This primarily concerns the law enforcement practice, where the police does not always help immigrants, and sometimes even demonstrate racist views.

2. State of the society

- *Risk of violation or non-compliance with the acting laws aimed at protecting the rights of minorities; risk of discriminatory practices against minorities.*

In 2012, there were several cases of violation of Roma rights, Russian-speakers’ rights (in the western regions of the country), and anti-Semitism in Ukraine. The revealed facts of this nature, backed by the underdeveloped migration legislation — legislation on refugees specifically — lead to reduced opportunities for self-realisation of country’s residents, as well as the split in society, exclusion of minorities from the public processes, and, eventually, weakening of the country.

- *Identity — how manifestations of xenophobia and extremism affect the identity of minorities, as well as majority’s identification of minorities (growth of social phobias).*

Split into Russian-speaking and Ukrainian-speaking citizens showed itself back in the 1990s. Presently, it is the underlying cause for the fairly high level of xenophobia, present both in the west and in the east of Ukraine. This is facilitated by the intensive propaganda of ethnocentric values, coming from the neo-Nazi party “Svoboda” and other similar organisations.

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socio-economic development of the country)

- *Standard of living.*

The standard of living in Ukraine is quite low, however it is due to socio-economic factors, unrelated to xenophobia and extremism.

- *Economic turmoil and instability.*

Economic problems, as well as economic instability are characteristic for Ukraine, but they are not caused by xenophobic or extremist factors. Nevertheless, the outflow of labour force from the country can have a negative impact on its economic development.

- *Decline in production growth, emigration of the labour force.*

High level of labour emigration is characteristic for the modern Ukraine. However this migration has a seasonal character and is related to economic factors, rather than xenophobia.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

Modern Ukraine has a rather low level of political stability, due to a serious split of the political elite and absence of any consensus on the major political, economic or social issues. In this field, the All-Ukrainian Union “Svoboda” acts as a destructive factor, undermining the political stability in the country and inciting xenophobic sentiments among the population.

- *Impact of xenophobia and extremism in the country on the issues of external security, on relations with third countries and the international security in the region as a whole.*

Svoboda’s activities lead to a deterioration of Ukraine’s relations with the neighbouring countries, who are observing the situation of their people with a growing concern. This, of course, mainly concerns the relations with Russia; however, other countries are not standing aside as well.

RECOMMENDATIONS

1. *General recommendations on the accession to international agreements and conventions.*

Ukraine should support the UN General Assembly resolution A/RES/67/154 “glorification of Nazism: the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance” and similar resolutions directed against neo-Nazism, which are considered in the UN almost every year.

Furthermore, Ukrainian Minister of Education, Science, Youth and Sport should join the initiative of the International Human Rights Movement “World Without Nazism,” which involves the production of

a model textbook of 20th century history, which would include historical approaches common for the whole Europe.

2. *General recommendations on adjustments to the legal framework.*

Ukraine needs a unified strategy in national policy. This requires not only a unified specialised executive body, but also a mechanism for the implementation of government initiatives in the regions of the country.

Ukrainian legislation in the field of language policy also needs a systemic refinement of the language concept in Ukraine, based on the recommendations of the international organisations and the real need to meet the language rights of all ethnic minorities in Ukraine.

Furthermore, it is necessary to support the legislative initiatives and consolidate the activity of human rights activists, directed at the prohibition and prevention of neo-Nazi activities in Ukraine. Criminal responsibility of Article 161 of the Ukrainian Criminal Code “Violation of equality of citizens based on their race, ethnicity or religious beliefs” should be increased, and the article itself should be given a more precise formulation. Cases that fall under this article should be taken under control. As for historical monuments and memorials, then, perhaps, it is necessary to hold referendums, when deciding their future.

Legislation regarding religious organisations (Law “On freedom of conscience and religious organisations”) needs to be revised, since it conflicts with the Ukrainian Constitution and contradicts the principles of religious freedom. It is also necessary to change the electoral law, and eliminate the provision on the disfranchisement of persons with criminal records.

Ukraine also needs a more detailed design of its migration and antidiscrimination legislation, especially with regard to refugees. It is also necessary to introduce corresponding changes to the labour legislation, which would remove barriers to employment for refugees.

3. *General recommendations for the executive bodies on law enforcement and human rights.*

Ukrainian Ministry of Justice still refuses to amend their own decree from 8/10/1998, No. 53/5 “On Approval of the appointment and execution of judicial examinations and expert studies and scientific recommendations for the preparation and appointment of judicial examinations and expert studies,” which lists expert organisations in various fields. Since it lacks such field as inter-ethnic relations, a professional judgement of a specialist on the facts of (or lack of) incitement of ethnic hatred cannot be considered expertise. This, in turn, makes it rather difficult to qualify manifestations of xenophobia and national chauvinism.

Governmental and public monitoring of the implementation of minority rights to native language is also highly relevant.

It is also worth paying attention to the recommendations of the Council of Europe — to establish a body that would coordinate work on countering racism and racial discrimination, provide a fair and effective procedure of granting a refugee status, create an independent body that would deal with complaints on racist actions and racial discrimination on the part of the law enforcement agencies. It is necessary to restore the interdepartmental commission on combating racism and xenophobia.

Law enforcement agencies of a number of regions should stop the practice of stating and focusing on criminal's nationality in reports and public statements. However, it is necessary to keep meticulous statistics about xenophobic crimes.

It is necessary to take effective measures to combat corruption in the executive government bodies, which is one of the main causes for discriminatory practices towards immigrants.

Ministry of Justice of Ukraine, and the law enforcement bodies, should investigate the activities of the All-Ukrainian Union "Svoboda," for their compliance with the party's statute.

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SUMMARY OF INDICATORS FOR 2012

No.	INDICATORS	SCORE
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-10
2	Xenophobia and inflammatory statements by members of the authorities and media	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	15
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
5	Activities aimed at promoting tolerance and preventing extremism	5
6	Status of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	2.5
7	Incitement of religious and ethnic hatred	-10
8	Radical nationalist groups and parties	-22.5
9	Extremist and radical nationalist public actions	-20
10	Racist attacks, violence and terror	-15
11	Presence, popularity and size of anti-fascist and anti-racist movements	15
12	Glorification of German National Socialism and collaborators of Nazi Germany	-20
13	Persecution of veterans and partisans of the anti-Hitler coalition	-2.5
14	International aspects	5
	Total	-57.5

UNITED KINGDOM

ASSESSMENT CRITERIA FOR FACTORS OF STABILITY/INSTABILITY

1. Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism

Indicators

- Discriminatory legislation affecting minorities residing in United Kingdom in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.

United Kingdom is one of the oldest democracies in Europe, its legislation operates to eliminate practically all forms of discrimination and racism. Furthermore, the UK is one of the few countries in the Council of Europe that has joined all international agreements aimed at the protection of minority rights. At the same time, it should be noted that UK has an “unwritten” Constitution and all legislation is based on case law.

British legislation also has certain discriminatory provisions, relating more to history and tradition, rather than to the present. For example, the Act of Settlement (1701)¹ does not meet the requirements of the European Convention on Human Rights, as it denies the right to throne to anyone who married a Catholic. It appears that the same law is of a discriminatory nature against women, since it implies that the right of succession belongs to the first-born male, and only in his absence will the monarch’s daughter be able to assume the throne. However, British legislature is already seeking to remedy to this issue.

Various discriminatory elements are also present in legislation that governs religious interests in the United Kingdom. More specifically, it prohibits any kind of discrimination on a religious basis, as well as “incitement to religious hatred.” “Religious hatred” is defined as hatred towards a group of people whose religious beliefs are different to those of a majority. However, the law does not define the concept of “religious

belief,” so the responsibility of interpretation of this phrase is vested in the courts.

There are only two officially recognised churches in the United Kingdom — Anglican in England and Presbyterian in Scotland — while in Wales and Northern Ireland there are no recognised official religions. Priests from the officially recognised churches may receive a government salary if they are working in prisons or hospitals.

- Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin.

Such restrictions do not exist in the British legislation.

- Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication.

Such norms do not exist in the British legislation.

- Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, health-care, worship, etc.

In 2012, the UK still had a practice of displaying discriminatory requirements for job applications. Only in 2013, an Act came into force, prohibiting the publishing of vacancies with discriminatory requirements, such as gender, age, nationality, native language or ownership of private vehicle.

Racial discrimination is still a controversial issue in the UK. According to projected statistics, black citizens are stopped in the streets for random searches seven times more than people with more of a typical European appearance.²

According to statistics, out of 120 police officers who were found guilty of racial discrimination, only 1 has been dismissed since 1999.³ In April 2012, the National Black Police Association (NBPA) appealed to the British Prime Minister, David Cameron in order to bring the issue of large-scale racial discrimination under control.

In April 2012, the Metropolitan police released the details of 20 new investigations that were being conducted upon police officers who had been accused of racial harassment, intimidation and assault.⁴

In May 2012, the BBC published materials insinuating the perpetuation of racism in British schools. During the years 2007–2011, there were almost 88 thousand cases of reported incidences of racism by British pupils. Among the cities that received the majority of complaints were revealed to be Birmingham and Leeds, with 5.7 and 4.7 thousand cases of racism respectively.⁵ It is further reported that Roma and Gyp-

sies are also subjected to discrimination in areas such as healthcare, education, housing, employment and criminal justice.⁶

According to a non-governmental organisation called “Show Racism the Red Card,” there has been a significant increase in the reported incidences of Islamophobia in the United Kingdom.

There are additionally reported practices of religious discrimination in the UK. Such discriminations are mostly related to Christians and is well regarded by experts as the result of the so-called “excessive tolerance” that is reportedly so prevalent in the British society.

There is a widespread opinion amongst Christians in the UK that discrimination against them is generally on the increase. This is said to be due to the increasing frequency discriminatory practices are being directed against them. Such practices are enforced by policies of even the largest retailers, who have been known to refuse to decorate their stores with Christmas or Easter symbols (such as stylised Easter Eggs).

The Bishop of Oxford, the head of the Church of England’s Board of Education, has issued a statement on the matter: “there is a clear programme of removal of any products that can be regarded to have a connection to Christianity from the store shelves.” The Bishop of Middleton agrees with him stating that “it seems incredible, but the only gift — an Easter Egg — in the market that is serviced by mainly the Christian community, is either banned or marginalised by our biggest retailers.”⁷

The Institute of public opinion ComRes conducted a survey in October 2011 and results of which showed that:

- 71% of Christians felt the growing marginalisation of Christianity in British public life;

- 74% of Christians believe that they are subjected to more discrimination because of their religion, than members of other religions (compared to 66% in November 2009);

- 66% of Christians felt the growing marginalisation of Christians by the authorities (compared to 59% in November 2010);

- 12% of Christians admitted that they had experienced victimisation (unfair treatment of people complaining about discrimination or harassment). They claimed that British courts are inconsistent in their interpretation of equality as applied to Christians, and media creates a negative image of Christians.

According to the survey conducted by ComRes in March 2011, 37% of the UK population thought that the government leans more in favour of religions other than Christianity.⁸

Peter Kerridge, the Chief Executive of Premier Christian Media, commented on these results, warning that Christianity is already faltering and losing support in the UK and that “the next step after that is persecution.”⁹

Thus, the majority of practicing British Christians believe that there is an atmosphere of blatant intolerance towards Christianity in their country, which in some cases is actually being facilitated by government policies.

The British Humanist Association, who enact the role of a supervisory authority on equality under the government have made several recommendations to employers. Among other things, it is stated that the behaviour of people promoting Christianity in the workplace falls under the definition of aggression and harassment. It is stated that this is punishable behaviour that this is should take the form of termination of employment. For example, a hospital nurse in the county of Somerset was suspended for offering to pray for the patient in 2009.

The British government has essentially outlawed the Christian cross and announced that it is their intentions in 2012 to defend the employers' rights to dismiss employees for wearing Christian symbols at the European Court of Human Rights. Whitehall states that "wearing a visible cross or crucifix is not a form of confession of the Christian religion" and hence the ban on the demonstration of Christian symbols is not a violation of British citizens' rights to religious freedom. Christians, in response, have noted that the wearing of Muslim attire is allowed in UK, even for police officers "on duty."¹⁰

If the British government will be able to defend their case in the European Court, then in the near future, British employers will be able to dismiss employees wearing crosses at the workplace.

The issue of banning crucifixes and other Christian symbols started several years ago, when a British citizen Nadia Eweida, working at British Airways, was suspended and then dismissed from work for a "demonstrative wearing of Christian cross on a uniform." She proceeded by attempting to sue the airline.

Another case of dismissal for wearing a cross during work hours was related to a hospital nurse Shirley Chaplin, who has worked at The Royal Devon & Exeter NHS Trust Hospital for 30 years. She then was suddenly faced with the fact that her religious beliefs and her habit to wear a cross was an insult to others.

Both of these women subsequently lost their trials in the United Kingdom and further appealed to the Strasbourg Court, where their opponent in court was the British government.

When the law progressed in 2012 to legalising same-sex marriage (adopted in 2013) it created a controversial area for discrimination as it did not assume liability upon Christian churches for refusing same-sex marriages. In contrary, Muslims were not exempt from this liability and therefore they could theoretically be held liable for refusing to register such marriages.¹¹ However, Prime Minister David Cameron has subsequently stated that Muslims will also share the right to refuse such unions.¹²

Muslims have also face certain problems. Aside from the growing Islamophobia, there were also controversies relating to restrictions placed upon them for the construction of places of their places of worship. On December 6th 2012, authorities of Newham area of London refused the construction of large-scale mosque in the city. The talks about the construction of a mosque in the capital of United Kingdom lasted nearly 10 years, however officials adjudged the building would be space consuming and its appearance would further complicate the already difficult transport navigation in the area. However, experts are inclined to believe that the authorities responsible for this decision were swayed by personal dissatisfaction with the prospect of a possible increase in Muslim population in the area.

The UK also has unique discriminatory practices towards the rooted traditions amongst ethnic and religious minorities. This particularly relates to members of the Hindu and Sikh communities, who are reportedly harassed and discriminated on a regular basis in workplaces and schools. Hindu or Sikh castes are often neglected from potential promotions by their superiors despite the enforcement of the Equality Act (2010) that contains a provision that gives the government the authority to regulate caste discrimination. Nevertheless, debates held in the British Parliament in 2012 resulted in the majority opting to adopt a separate anti-discrimination act regarding this group of the population.¹³

The concept of “positive discrimination” is also widespread in the UK. For example, where an organisation, including even governmental institutions, opt to deliberately favour those identified as the most vulnerable groups of population in employment. The most notable positive discrimination relate to immigrants from Third World countries, representatives of the LGBT community and non-Christians.

As a result of this, their integration into society has an adverse effect on attitudes and further provokes discriminatory actions against the majority, as has been happening with Christians recently.

PRESENCE OF CRITERIA	INDICATORS	SCORE
-/x	Discriminatory legislation affecting minorities residing in United Kingdom in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	-2.5
-	Legislation restricting the voting rights of permanent residents of the country on the basis of ethnicity or country of origin	0

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Presence of legal norms or other normative documentation, which legalises the ideology of radical nationalism, its attributes and practices, as well as their distribution in the mass media and mass communication	0
×	Discriminatory practices against minorities in the field of registration, mobility, business, employment, education, housing, healthcare, worship, etc.	–5
	Total for section 1	–7.5

2. Xenophobia and inflammatory statements by members of the authorities and media

The British government's statements regarding Christian crosses can be classified as xenophobic as such prohibition is impinging upon their religious rights. It could be viewed that amid the absence of similar bans on religious symbols of other confessions, this is identified as direct discrimination against Christians.

The British Humanist Association, active during the monitored period, project somewhat inflammatory sentiments by reinforcing that the behaviour of people promoting Christianity at the workplace is aggressive and harassing and warrants punishment, including dismissal. These recommendations are implicitly contradicting the Employment Equality (Religion or Belief) Regulations, 2003.¹⁴

In March 2012, the Defence Minister J. Howard made racist remarks against the Nepalese, publicly stating that it is impossible to find a free bench in the park in his constituency, because they are all occupied by the Nepalese.¹⁵

In April 2012, MP from the Labour Party Barry Sheerman posted on twitter, complaining about poor service in a cafeteria in London's Victoria Street station. According to him, he was served bad coffee and bacon and intentionally mentioned that he was served by a Polish immigrant. "Why can't Camden Food Co employ English staff?" he asked in his post. The MP proceeded to tell his followers that he came to parliament to "represent the good people of Huddersfield and West Yorkshire, not Gdansk."¹⁶

British MP Diane Abbott posted what was to be deemed a racist twitter after a court reached a verdict on a sensational case, involving

the racially aggravated murder of a black teenager Stephen Lawrence in 1993. On January 4, the murderers Gary Dobson and David Norris were sentenced to 15 and 14 years imprisonment respectively. Subsequently the black British MP withdrew her claims and publicly apologised for her insulting remarks she made on Twitter against white people. Her comments appeared to create a divide between the two races: “White people love to play the game of divide and conquer. We should not play their game.” This post, later deleted, was accompanied by a hashtag “#tacticasoldascolonialism” (tactic as old as colonialism).

Abbott’s comment angered her allies at the Labour party and her political opponents alike. Conservative MP Nadhim Zahawi reminded her that “there is no place for any forms of racism in a healthy society.” Prime Minister David Cameron, in turn, suggested that Abbott immediately apologise and leaves her post in Parliament.

Abbott later apologised to everyone who might have been offended by her post admitting “I understand that my comment was seen as a generalisation of all white people,” but defending that she did not mean to be prejudicial.

Diane Abbott is incidentally one of the most famous figures in the British Labour Party, being listed among the contenders for the party leaders in 2010, after Gordon Brown’s resignation (however this post was given to Ed Miliband¹⁷).

On December 4 2012, British MP Philippe Hollobone made a rough anti-immigrant speech at the parliament, warning his colleagues about the collapse that UK faces when citizens of Romania and Bulgaria, new members of the European Union, will start immigrating into the country.¹⁸

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Xenophobia and inflammatory statements of the authorities and the media	-5
	Total for section 2	-5

3. Legislation and law enforcement practice preventing the development of radical nationalism

Indicators

- Presence of anti-Nazi, anti-racist and anti-extremist legislation, and legislation directed against incitement of ethnic and religious hatred in the country.

The specifics of the United Kingdom's anti-discriminatory legislation are defined for many years to come by the adoption of various fragmented legislative acts on specific grounds of discrimination, having a different scope of influence over different groups of people, increasingly complicating it.

There are more than 100 different regulations prohibiting discrimination. The reason for this is the continuous improvement of national legislation and constant expansion of the UK's obligations in accordance to EU laws.¹⁹

The main legislative act in place for the purpose of combating racism and extremism is the Race Relations Act (1976).²⁰ This act prohibits discrimination based on skin colour, race, nationality, ethnic origins (similar acts were adopted in 1965 and 1968 previously). Similarly, the Equality Act (2010),²¹ a general anti-discrimination law, aims to harmonise the Equality Act (2006) and Equality Act (Sexual Orientation) (2007), which is directed at protecting the population from discrimination on the basis of race, religion or beliefs, sexual orientation.

English Criminal Law contains an Act created for the protection of public order (Public Order Act 1986), where sections 18 and 19 provide criminal liability for threatening, insulting or offensive statements, actions that are either deliberately intended to incite racial hatred.

However, it should be noted that these articles are only valid if there are witnesses and victims of the crime. For example, the distribution of racist leaflets falls under this law, but not leaflets themselves, if they are distributed secretly and without any witnesses.²²

Similarly, the law in Northern Ireland criminalises threats, offensive and insulting language in the form of meaning or expressions, which can be construed as inciting hatred against a part of the population or cause fear. Section 5 of the same English Law from 1986 forbids a person to say or demonstrate threatening, insulting or abusive words within the vicinity of a person to whom it may cause "alarm, anxiety or pain."

The Public Order Act 1986 (as amended) differentiates between crimes intended to incite racial hatred or contributing to the emergence of such hatred (Part III), and practical acts intended to incite religious hatred or hatred on the basis of sexual orientation (Section A, Part III).

In Scotland, the Criminal Justice and Licensing Act 2010, as well as the law on Offences (Aggravation by Prejudice) 2009, protect the victims of hate crimes by enforcing an increased liability for the crimes committed on a racial or religious basis (Act 2010). Furthermore, aggravating circumstances also include such motives as sexual orientation, transsexual identity and disability (Act 2009)

These laws are based on the interest in providing public order and recognising the fact that such insults, directed against a group of per-

sons, or against a specific individual due to their affiliation to a certain group, pose a more serious threat for public order, than insults related to an individual's personal qualities.

It is also important to note that the UK have chosen to be regulated by the Human Rights Act, which came into force in 2000,²³ bringing the country's legislation in line with the European Convention on Human Rights and Fundamental Freedoms.

- Presence and improvement of anti-discriminatory legislation.

Anti-discriminatory legislation in the United Kingdom has a far reaching history.

The UK's main legislative act in this field is the aforementioned Equality Act (2010), which prohibits discrimination in the workplace, in education and in the provision of goods and services, as well as in the implementation of freedom of association.

An important characteristic of the British anti-discriminatory legislation is the use of the non-exhaustive list of grounds for discrimination, which the Equality Act 2010 defines as "protected characteristics." These include age, disability, gender reassignment, marital status or civil partnership, pregnancy and maternity, race, religion and belief, gender, sexual orientation (Article 4)

Article 49 of the Equality Act prohibits the local education authorities and administrations of independent and special schools to use such conditions for a schools entry requirement as they may be regarded as discrimination on a religious basis.

While on the topic of discrimination, it is also worth noting such anti-discriminatory bylaws as Employment Equality (Religion or Belief) Regulations 2003,²⁴ which prohibited discrimination of employees on religious grounds, as well as similar regulations (2003) relating to discrimination of employees based on sexual orientation,²⁵ and regulations prohibiting age discrimination on the labour market (2006).²⁶

Besides the Equality Act (Article 49), there is a whole host of laws in the UK directed at eliminating discrimination and guaranteeing rights of ethnic minorities in education. The derivation of these rights in these instances is based in the Education Act 1996.

This Act has been changed several times, for example, in Scotland, where in addition to the Education Act, such laws as the Gaelic Language Act 2005 and Scottish Schools Act 2006 also protect the interests of potentially vulnerable groups.

Overall, United Kingdom's anti-discrimination legislation meets the EU standards, and the following directives in particular further reinforce the policy: Directive 2000/43/EC, implement the principle of equal treatment between persons irrespective of racial or ethnic origin; Council Directive of 27 November 2000 2000/78/EC, establishing a

general framework for equal treatment in employment and occupation; Directive 2006/54/EC of the European Parliament and of the Council implementing the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (revised).

The improvement of the anti-discriminatory legislation concerned the issues of compliance of the criminal legislation governing the responsibility for defamation, and the principles of freedom of speech.

For example, as mentioned in the National Report on the UK, submitted in 2012 by the UN Human Rights Council, “Concerns have arisen about the detrimental effects that the current law on libel is said to have on freedom of expression. In response to these concerns, the Government published a draft Defamation Bill in March 2011 for public consultation and scrutiny by a Parliamentary Committee. The draft Bill seeks to ensure that a balance is struck, so that people who have been defamed are able to take action to protect their reputation, but so that freedom of expression is not unjustifiably impeded by actual or threatened libel proceedings.”²⁷

In 2012, efforts were made to construct a new revolutionary bill, which will have a trial run in Greater Manchester County (adopted in 2013). The law introduces new classifications for hate crimes and proposes to equate subcultural groups — such as “emo,” “goth,” “punks,” “metal,” to ethnic and religious minorities. Attacks against members of these groups will now also qualify as hate crime in the United Kingdom.

- Compliance with anti-Nazi, anti-racist and anti-extremist legislation by the authorities (central, regional, municipal), law enforcement and judiciary, as well as their compliance with legislation directed against incitement of ethnic and religious hate and compliance with anti-discriminatory legislation.

Overall, such legislation is rigidly enforced, yet there still remains a doubt over more subtle and discrete forms of discrimination, such as the more frequent police detention of people of Asian or African descent.²⁸ Further dubiousness is raised over the discrimination in employment structure of immigrants from Eastern Europe and in service in financial institutions,²⁹ more specifically the violations of such legislation towards Roma and Gypsies.

However, the most ineffective compliance with the anti-discrimination and anti-racist discrimination is observed in the sports environment, most notably among football fans. Sports organisations, however, are continually striving to improve this matter (see below).

- Counter-actions against hate crimes (criminal cases against organisers and participants, convictions).

The total number of racial incidents, which include all wrongful actions — including those that do not fall under the definition of crimes (for example, antisocial behaviour), is falling in England and Wales since 2009.

While over the period of 2009–2010, 55,134 racial incidents were recorded, in 2010–2011 the number fell to 51,585, and in 2011–2012 the figure fell to 47,678.³⁰

At the same time, police recorded 43,748 hate crimes in 2011–2012. Of those:

- 35,816 (82%) crimes motivated by racial hatred;
- 1,621 (4%) crimes motivated by religious hatred;
- 4,252 (10%) crimes motivated by hatred towards non-traditional sexual orientations;
- 1,744 (4%) crimes against the disabled;
- 315 (1%) crimes motivated by hatred towards the transgender.

At the same time, the number of hate crimes in Scotland is growing, which many experts associate with the growth of the radical nationalist such as the “Scottish Defence League,” which also opposes immigrants. Thus, 12% more crimes (4,012) were recorded in Scotland than in 2011.³¹

The Police in the United Kingdom are carefully monitoring hate crimes and have managed to maintain their overall statistics in this regard since 2008, which marked the first specialised action taken against this issue.

In 2013, the number of crimes motivated by racism or religious prejudices amounted to 36%, which is relatively unchanged in comparison to figures of previous years. Hate crimes, related to racially or religiously aggravated which amounted to public fear, alarm or distress totted in at 46%. Racially or religiously aggravated crimes (without inflicting grievous bodily harm) counted at 43%.³²

- Unlawful use of anti-extremist legislation.

In 2012, several cases of illegal detentions of predominantly dark-skinned individuals were recorded in the UK. They were subject to a full body search and had their vehicles searched before they were taken to the police station, after which they were charged with minor administrative offenses and released. Every year, approximately a million detentions and street searches are registered in the country, and only 9% of them proceed to an arrest. The UK Home Secretary Theresa May has dubbed this situation as most unsatisfactory.³³

There have also been arrests and excessive sentencing for persons accused of libel, slander and even hate crimes for placing their opinion

on the Internet, for example relating to the U.S. troops in Afghanistan, or about the British police officers.³⁴

Furthermore, even the Home Secretary herself applied the use of anti-extremist legislation in 2011 wrongfully, when she banned the activities in UK of a non-governmental organisation “Muslims Against Crusades” (MAC). The ban galvanised a protest by the MAC and was organised against the actions of British soldiers in Iraq and Afghanistan.³⁵

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-Nazi, anti-racist and anti-extremism legislation, legislation against incitement ethnic and religious hatred in the country	5
×	Presence of anti-discrimination legislation	5
×	Compliance of the authorities (central regional, municipal), the law enforcement and judiciary, with anti-Nazi, anti-racist and anti-extremist legislation. Compliance with anti-discriminatory legislation and legislation directed against the incitement of ethnic and religious hatred	5
×	Counter-actions against hate crimes (criminal cases against organisers and participants, convictions)	5
×	Unlawful use of anti-Nazi, anti-discrimination and anti-extremist legislation	-5
	Total for section 3	15

4. Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism

In October 2012, British Prime Minister David Cameron confirmed the government’s desire to actively combat hate crimes by calling the current crime levels as “appalling.”

He states: “I am passionate about tackling hate crime. And this government is acting. For the first time we have published statistics on hate crime recorded by the police in England and Wales. And we are highlighting the best examples of what works locally, because we know that hate crime is most effectively prevented at a grass roots level, by front-

line professionals who have a deep local knowledge of victims and offenders.”

“Last year there were more than 43,000 hate crimes in our country. That figure is appalling and it has to change”

Cameron also noted that the police and courts will treat all hate crime as a priority — whether the crime is committed because of a person’s race, culture nationality, language, religion, belief, sexual orientation.

On November 8th 2012, British Prime Minister, commented on the investigation into allegations made against several Conservative MPs of being involved in paedophilia. He expressed his concern that this could turn into a witch-hunt, particularly against people who are gay. He made this statement on live TV programme, where he was given a list of politicians who may be involved in sexual malpractice.³⁶

In December 2012, David Cameron argued for the consecration of gay marriage in the church. He promised to support the draft legislation allowing religious organisations to marry same-sex couples. Prime Minister emphasised that his colleagues in the Conservative Party will however still preserve the right to vote against his position

“But let me be absolutely 100 per cent clear, if there is any church or any synagogue or any mosque that doesn’t want to have a gay marriage it will not, absolutely must not, be forced to hold it.” He stressed.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
	Total for section 4	5

5. Activities aimed at promoting tolerance and preventing extremism

A number of such events were held in the United Kingdom in 2012 with the intention of promoting tolerance and preventing extremism.

The oldest British non-governmental organisation dedicated to the protection of immigrants’ rights, the Joint Council for the Welfare of Immigration, launched a campaign “Movement Against Xenophobia.” This organisation’s website stated, that the campaign is aimed at countering the vicious anti-immigrant sentiment perpetuated in mainstream

politics in the UK. The campaign has an informative, yet also political foundation, since it is aimed at the European Elections in 2014 and the UK General Elections in 2015.

The goal of this organisation was to inform people about the migrants' substantial contribution to the economy, Britain's culture and improvement of its public services. Furthermore, the movement pledges upon certain political parties to stop using racism and xenophobia towards part of the British population for political purposes.³⁷

The UK did not manage to avoid a wave of Muslim protests against the screening of the film "Innocence of Muslims." On October 15th 2012, around 10 thousand Muslims held a rally near Google's headquarters in London. Activists tried to convince the corporation to remove the video that caused a series of scandals in the Middle East from YouTube.

One of the speakers at the rally stated, "Terrorism is not only those who physically kill, but also those who destroy the best feelings of others. Makers of this film conducted a terrorist attack against 1.6 million people."³⁸

"Organisations like Google are key players and have to take responsibility for civility. You can't just say it doesn't matter that it's freedom of speech, its anarchy," said another participant of the rally. "We want society to recognise the authors of this film as destroyers of the fragile idea of modern global society. And we appeal to the Church of England, Catholic Synod and the Jewish community to support us."

Throughout the whole year, antifascists led by UK's largest antifascist organisation called "United Against Fascism" have been conducting protest actions against the radical nationalist and neo-Nazi organisations and parties of the country. Such events took place in London, Yorkshire, Humber, Rotherham and other cities of the United Kingdom.³⁹

On November 12, more than 2000 antifascists came to the streets of Norwich, protesting against the arrival of the radical right wing organisation "English Defence League."⁴⁰

In December 2012, United Against Fascism launched a campaign named "Euro 2014: Nick Griffin Must Go!". This campaign takes place before elections to the European Parliament, which will take place in 2014. Its goal is to prevent the election of Nick Griffin, the leader of the British National Party, into the supreme European legislative body.⁴¹

A major campaign against racism in football and sports as a whole was conducted by "Show Racism the Red Card" organisation. On October 3, the organisation held a rally protesting racism at football matches, and this was endorsed by many famous English football players.⁴²

In October 2012, two famous football players, Rio Ferdinand and Jason Brown, called for a more decisive action against racism in sport. These statements were issued after court dismissed charges of racism

made against the former England captain and a Chelsea FC player John Terry, which was related to his skirmish with a Queens Park Rangers player, Anton Ferdinand on 23 October 2011.⁴³

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Activities aimed at promoting tolerance and preventing extremism	5
	Total for section 5	5

6. Status of migrants and society's attitude towards immigrants, foreigners, different ethnic groups

Indicators

- Presence and improvement of migration laws.

The main act regulating immigration into the UK is the Immigration Act 1971. Subsequent laws introducing changes and amendments to immigration laws are the Immigration Act 1988, Asylum and Immigration Act 1996, Immigration and Asylum Act 1999, Citizenship, Immigration and Asylum Act 2002, etc.

The Human Rights Act plays an important role in shaping the immigration legislation, including legislation on asylum and refugee rights. The Act came into force in October of 2000, giving the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) a force of the national law and it started to be used in British courts. Accordingly, the legal provisions concerning the rights to entry and stay in the UK were brought to conformity with the aforementioned Convention. An important provision in this Act is the right to appeal the decision to refuse entry into the country, as well as the inability of British authorities to expel political immigrants back to the countries where they may be subjected to torture or ill-treatment. The Act also provided the right to respect for private and family life.

On 6 February 2008, British Parliament adopted the law on amendments to immigration rules and the introduction of a five-level system, defining the immigration category.

All individuals, in the light of the UK Immigration Act, are divided into four large categories:

— Citizens of the UK.

— Citizens of the Commonwealth (Australia, Canada, Cyprus, India, Pakistan, New Zealand, Nigeria, South Africa, Zambia and other

countries, most of which are former colonies and dependent territories of Great Britain).

— Citizens of European Union.

— Citizens of all other countries.

Citizens of the first three categories have the right to live and work in the UK with virtually no restrictions. Therefore, The Immigration Act mostly deals with the last category of citizens. This category includes citizens of Russia and most countries of the former USSR (excluding Lithuania, Latvia and Estonia, which joined the European Union).

Individuals belonging to this fourth category are required to obtain a visa to enter the country and a Home Office work permit, if they wish to seek employment in the UK.

Britain has a developed legislation regarding refugees. The main laws that regulated this field in 2012 were:

1. The Immigration, Asylum and nationality Act 2006.

2. The UK Borders Act 2007.

3. The Criminal Justice and Immigration Bill 2007.

This legislation generally complies with the European directives on immigration. These are: the European Union Council Directive 2003/9/EC of 27 January 2003, providing for minimum standards for the reception of asylum seekers; European Union Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection of some form and the content of the protection granted; European Union Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status.

In a sense, the UK's immigration legislation is developing towards a more restrictive approach, albeit within the above-mentioned directives. It is directed towards a reduction in immigration flows and an increased control over asylum seekers. In this sense, it somewhat contradicts the Equality Act 2010, which aims to protect refugees, especially the most vulnerable groups, namely members of ethnic and religious minorities.

At the same time, the UK like other EU states, favours highly skilled specialists. Following this direction and focusing on the relevant EU policy, the UK subsequently introduced a so-called Points Based System (PBS) in 2008.⁴⁴ The PBS is a programme designed for recruiting highly skilled immigrants, which allows them to enter the country with the right to work. Previously the employer would have to pay for the immigrant's visa, yet under this programme they would not.

On the other hand, in February 2010, Britain refused from participating in the EU Directive on asylum procedures, which was con-

structed to set new minimal standards for the handling of requests for asylum, because these standards could harm the British asylum fast-track system (2003). Essentially, participation in the use of the Directive could have led to the elimination of the system of fast rejections in asylum, since the list of categories of such individuals would have been expanded.

In 2012, both the government and the opposition expressed the need to further tighten legislations relating to immigration. Ed Miliband, leader of the British Labour Party and the Parliamentary Opposition, called for a change in the migration policy, so that it reflected the interests of people, “who are already living and working in Britain.” In particular, he proposed to tighten the legislation governing recruitment agencies.⁴⁵

The government’s stance, according to Prime Minister David Cameron, is that England should only welcome the most talented immigrants. Prime Minister criticised the current Points Based System, since, in his opinion, it allows entry for undesirable immigrants. Furthermore, Cameron proposed to raise the requirements for income for people who arrived to work in the country with their families. It is also planned that there will be a reduction of the amount of work visas issued to people who are not citizens of the European Union. It is also projected that requirements for British citizenship will also become more stringent.

The government thus plans to fight bogus marriages, by subjecting foreign spouses to exams on political structure and history of the country, more stringent language tests and arrange additional checks of “authenticity” of marriage. In addition, companies and property owners who provide jobs and housing for illegal immigrants can be issued severe penalties.

British Home Secretary Theresa May also called for the tightening of migration legislation. She particularly hopes that this would simplify the deportation procedures of foreigners convicted of crimes and terrorism.

The United Kingdom’s system of reception of immigrants and the developed immigration legislation operates in such a way, where on the one hand it serves the labour market, which does not need unskilled labour, and on the other hand, guarantees immigrants their fundamental rights, in accordance with the Equality Act 2010.

- Authorities’ compliance with such legislation (law enforcement practice).

This kind of legislation is generally complied with, although there are certain violations related to British government policies on reducing immigration. European Commission believes that the UK’s additional

so-called Right-to-reside test is a violation of EU laws. The state uses these tests to decide whether to provide immigrants with various benefits and allowances.

Meanwhile, the EU has its own standard called the “Habitual residence test,” wherein all member countries are required to use, and to make decisions on benefits against the criteria. The European test’s conditions are considered more liberal than the British test. As a result of this, the European Commission arrived to the conclusion that citizens of the European Union are automatically at a disadvantage in regards to the rights of benefits and allowances when arriving to the UK. In all probability, this case will be referred to the European Court.⁴⁶

More recently, the UK engaged in talks on the need to reconsider the Human Rights Act 1998, as it prevents the British authorities from extraditing persons accused of supporting extremism. For example, in November 2012, the authorities were forced to release the Islamist preacher Abu Qatada on bail. This man was a well-known associate of Bin Laden in Europe and one of the masterminds behind the 9/11 attacks.

He was released on bail, in accordance with the decision made by the Special Immigration Appeals Commission (SIAC). The problem is that in accordance with this law, Abu Qatala cannot be deported to his homeland, Jordan as there is a risk that there he could be subjected to torture and given an unfair trial.

- Discriminatory practices against immigrants.

In 2012, there were discriminatory acts reportedly made against immigrants and refugees belonging to certain groups. Amnesty International published a report for 2012, which states that “Throughout the year, Sri Lankans were forcibly repatriated, despite the convincing evidence that returning them has a real risk of torture and gross violations of human rights.”⁴⁷

According to the same organisation, in October 2012, authorities tried to forcibly repatriate a Syrian citizen, despite guidance by UNHCR to the contrary. However, deportation was only suspended after the Supreme Court’s decision condemning this action.⁴⁸

The conditions regulating the detention of juveniles in deportation centres raised questions. According to the Russian Foreign Ministry, which refers to the British human rights organisation “Stop Child Detention Now,” “In the Yarl’s Wood centre, placed under control of a private security firm “Serco,” there have been identified cases of child abuse by other emigrants, also awaiting deportation. Company employees have been accused of negligence and inaction. Children allegedly subjected to sexual abuse did not receive the special help of psychologists and doctors they should have received. Human rights activists also

draw attention to Nick Clegg's unfulfilled promise to ban the detention of juveniles in such centres. Moreover, the number of children in such centres is growing."⁴⁹

According to the same source, "In January 2012, an investigation conducted by The Children's Commissioner for England, Dr Maggie Atkinson, revealed the existence of a secret agreement between the UK and France. According to her, juvenile illegal migrants attempting to enter the UK through Dover were immediately sent back to France after detention, if they were unable to apply for asylum. Social workers were not allowed to see these children, and in some cases, they were not even fed."⁵⁰

- Use of the "ethnic crime" theme in order to discriminate against immigrants.

The subject of ethnic crime is part of the campaign for the radical nationalist organisations, such as the British National Party (BNP), English Defence League (EDL), and others. Their official purpose is to "fight Islamism, Sharia and Islamic extremism."⁵¹ Members of these organisations regularly accuse immigrants, as well as black people in general, of extremism and of the growth in domestic crime on British streets.

Media and communications, affiliated with these organisations continuously publish articles related not only to extremism, but also to domestic crime, wherein foreigners are portrayed as the main perpetrators.⁵²

This is the issue that the leader of the radical right-wing British National Party Nick Griffin is appealing to, he is also a member of European Parliament. The BNP's website states, that there are "27,000 crimes committed every day" in the country, and "political correctness" of the police force is to blame, as well as the country's social policy. Without explicitly stating it, the party's website gives an impression that immigrants are directly responsible for the growth in current crime rates.⁵³

- Social assistance for immigrants.

Britain is not involved in the implementation of the EU Directive 2003/109/EC, which establishes the foundations of legal status of legal immigrants from foreign countries, including the principle of their equality with European citizens. Therefore, legal immigrants from outside the European Union do not receive the permanent European resident status, even if they have lived in the UK for 5 years. However, they enjoy virtually all social benefits of the country, such as the right to free healthcare, free education and they receive housing subsidies and unemployment benefits.

Immigrants from countries outside the EU also have no right to apply for the European "blue card" in the UK (EU Directive 2009/50/ES,

which is also not realised the country). There is, however, a Points Based System (PBS), which allows the highly skilled specialists to enter the country with the right to work, without the need to have an employer paying for a visa.

Nevertheless, British authorities intend to cut all social benefits. This will also affect the status of EU immigrants, which is connected to the impending abolition of restrictions on employment for Bulgarian and Romanian citizens. Now, citizens of European countries will have to prove that they are “actively seeking employment” to get British unemployment benefits for longer than six months. According to David Cameron, the announced measures will result in people to coming to the UK “for the right reasons,” and make the United Kingdom a less “desirable place” for immigrants.⁵⁴

- Negative attitudes towards immigrants, foreigners, different ethnic groups.

A study conducted by a German sociologist Andreas Zeke on “Hostility towards minorities” explored the levels of British xenophobia.

The question “Do you think that Jews have too much influence in the UK?” was positively answered by 13.9% of respondents (19.7% in Germany, while the average for Europe, according to the Anti-Defamation League, is 36%⁵⁵).

21.8% of respondents agreed with the statement that “Jews in UK are exploiting their position as victims of Nazism” (48% in Germany, 41% — European average⁵⁶)

42.4% agreed with the opinion that “Israel is conducting a war aimed at destruction of Palestinians” (47.7% in Germany).⁵⁷

This suggests that the conflict in the Middle East contributed to the emergence of anti-Semitic stereotypes in the UK, which, however, so far remain at a fairly low level compared to other European countries.

Although, in terms of creating racist and xenophobic stereotypes Britain maintains a leading position. The report also revealed the level of hostility towards immigrants:

62.2% of respondents agreed with the statement that “there are too many immigrants in the UK” (62.5% in Italy).⁵⁸

34.6% agreed with the opinion that “there is a natural hierarchy between black and white people” (30.5% in Germany). In Portugal, Poland and Hungary, the number of people who agreed with this statement is 40% and above.⁵⁹

47.2% of respondents agree with the statement that “Islam is an intolerant religion” (52.5% in Germany). In Italy, Portugal and Poland this opinion is shared by 60% of respondents.

A survey, conducted in August 2012, was participated by around 1,725 British adults and teenagers.⁶⁰

The survey showed that teenagers do not support the anti-immigrant and anti-Muslim rhetoric, unlike adults. However, both of survey respondents displayed that they are open to radical right-wing ideas. The survey results show that there is a clear distinction between the generations. However, in general, the attitude towards immigrants is portrayed as rather negative: 55% of respondents would prefer a political party that would place the British culture above all others, while 41% were ready to support a party that would stop immigration into the UK and 37% stated that they would vote for the party that would be able to reduce the number of Muslims in British society. The majority of respondents (54%) aged 60 years and older were likely to support anti-immigrant party, while 23% of young respondents aged 18–24 shared this position, and 60% answered “not very likely,” as they are unsure that anything could change with the advent of a new government would change anything. 68% of people aged 60 and above would vote for a party that would place the British culture above all others, and 32% of respondents aged 18–24 share this point of view.

A similar pattern can be observed with regard to reducing the number of Muslims in the United Kingdom, while almost half of respondents (49%) aged 60 and above are ready to vote for the party that would fulfil this promise; whereas only 27% of people aged 18–24 share this view.⁶¹

Looking ahead, it can be said that even after the murder of a British soldier in Woolwich in May 2013, results of an immediate survey showed that the “United Kingdom remains a tolerant country, despite what happened, and the majority of the population does not support the actions of the radical right.”⁶²

63% of respondents believe that the vast majority of Muslims are decent British citizens, which is 1% higher than last year. The number of people who believe that a Muslim lifestyle is compatible with the British lifestyle also increased from 24% to 33%.⁶³

Thus, we can conclude that the level of British tolerance in 2012 remains significantly above the EU average. This is mainly due to the younger generation, which grew up in multi-ethnic and multi-cultural conditions.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence and improvement of immigration laws	5
×	Authorities’ compliance with such legislation (law enforcement practice)	5
×	Discriminatory practices against immigrants	–5

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Use of the “ethnic crime” theme in order to discriminate against immigrants	-5
×	Social assistance for immigrants	5
-/×	Negative attitude of the society towards immigrants, foreigners, various ethnic groups	-2.5
	Total for section 6	2.5

7. Incitement of religious and ethnic hatred

Indicators

- Calls for ethnic and religious hatred in mass media and mass communications, graffiti.

There were several such cases noted in 2012.

In September 2012, leader of the British National Party, Nick Griffin created a post on Twitter commenting on the case of a gay couple, who were refused a double room in a hotel (Black and Morgan appealed to court after a host of a small hotel in Berkshire Susan Wilkinson refused to rent them a double room, explaining that she is a believing Christian and her religious beliefs prevent her from settle a couple that is not legally married in the same room). Griffin published the home address of the 64-year-old Michael Black and a 59-year-old John Morgan, asking his followers to organise a demonstration in front of their house for the rights of the homeowners, who have to have the right to refuse renting property at their own discretion. Furthermore, MP pledged to create some hysteria by reminding that for British people their home is a fortress. “Say no to heterophobia,” Griffin added in the end. Several complaints were filed in relation to Griffin’s comments, which are now being dealt with by the Cambridge police. The court sided with the gay couple, and they will each receive around 2.2 thousand euros in compensation.

On October 6, the Jewish community accused JP Humbert of Nazi propaganda, because it was selling flags decorated with swastikas and Hitler Youth armbands on September 25, when Jews were celebrating the Day of Atonement. The defendant’s represen-

tatives claimed that it was merely a coincidence, and the profit from sales was supposed to go to the charity fund for victims of the Holocaust.

However, the funds raised for the victims of the Holocaust were refused on the grounds that they do not accept money from the sale of objects associated with the Nazi regime. The sold items included a wide range of Nazi memorabilia, including an SS bayonet, Hitler Youth bands, a number of swastika flags and SS utensils. Recent collections of Nazi photographs, cutlery from the Buchenwald camp and cuffs belonging to “Totenkopf,” which is a SS division that was first formed from group of concentration camp guards, were also included in the list of lots.

On October 8 2012, British Home Secretary Theresa May stated that she intends to push for tougher requirements for immigrants from the EU countries, with more attention being paid to immigrants from Romania and Poland. May once again criticised the provision on the freedom of movement, which gives European citizens the right to free travel. According to the Sunday Times, Theresa May expressed extreme concern over the growth of immigrants in the UK and proposed to introduce a new visa regime.

In November 2012, a British MP George Galloway, speaking on a small anti-Israel demonstration on November 27 in his Bradford constituency, denounced Zionism, calling it “blasphemy against Judaism and God,” exalted the legitimacy of HAMAS and called for destruction of Israel and elimination of Israeli-British double citizenship. In an attempt to avoid accusations of anti-Semitism, Galloway stated, “We do hate not the Jews, we hate Zionism, we hate Israel and we hate murder and oppression. Israel defiles the Torah by calling itself a Jewish state.”⁶⁴

On November 23, it was reported that the director of Amnesty International in UK, Christian Benedict posted on Twitter, mocking Jewish deputies of the British Parliament and the Operation Pillar of Defence. Benedict wrote, “Louis Elman, Robert Halfon and Luciana Berger went to the bar, each ordered a round of B52s,” intentionally confusing the name of a popular cocktail and strategic bombers. Benedict is accused of stating that only the Jewish MPs supported Israel’s actions on the basis of their nationality.⁶⁵

There were also findings of various graffiti of an offensive nature, such graffiti can be tantamount to hate crimes. Noted cases being:

On April 20th, an 18 year old male painted graffiti on the walls of Markazi Jamia Masjid mosque in Wakefield.⁶⁶

Offensive graffiti were also noted on the walls of Islamic centres in Altrincham⁶⁷ and Norfolk.⁶⁸

On November 2012, a 19 year old female was arrested for painting anti-Islamic graffiti on the walls of a shop located across Shah Jahan mosque in Woking.⁶⁹

On December 12, it was reported that unknown subjects left insulting graffiti in the garden of a Muslim family in Bingham. Earlier, someone left a cross wrapped in ham on the porch of their house.⁷⁰

- Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts.

Overall, it cannot be said that neo-Nazi literature and music is widely accepted or popular in the United Kingdom.

Nevertheless, the country has one of the largest neo-Nazi promotional network “Blood & Honour,” established back in 1987. The organisation got its name from Hitler’s Youth slogan “*Blut und Ehre*”. Network organises concerts and distributes records of musical groups in the RAC (Rock Against Communism) genre. Blood & Honour network supports the neo-Nazi or nationalistic musical groups all over the world.

The usual topics of RAC music is racial war, cities as battlefields, courage and ultimate victory of the white man. In the UK, a whole series of rock bands adopt this genre. Among them is the English Rose, Celtic Warrior, Chingford Attack, Legion of St. George, White Law and others.

In the recent years, the UK had several original actions, which are not directly related to exploiting culture to promote neo-Nazi views, but do have such implications. An example of this would be costumed dances, where some of the guests dress up in Nazi uniforms. The most memorable scandal of this nature occurred at a costumed ball in 2005, where Prince Harry arrived in a Nazi costume. He later had to apologise for his actions.

In June 2012, at the grand costume show in Manchester, dedicated to the 60-year anniversary of Elizabeth II’s rule, people arrived dressed in SS uniforms, and one person was dressed as Hermann Goering, founder of the Gestapo and one of Adolf Hitler’s trustees. An event, whose theme was the Second World War, was organised by a local railway company. Before the invitations were sent, organisers of the event warned not to wear “certain uniforms and signs” that could outrage other guests; however, some of the visitors ignored this warning.

Furthermore, a married couple, Merton and Barbara Paul, also invited to the event, said that they were asked to dress up and enact “poor Jews” and to bring worn, old suitcases, preparing to be sent to a concentration camp — clothes. The couple refused to do this, since they, were actually Jewish and found this request extremely upsetting and disrespectful to the memory of Holocaust victims. They were further disgraced when they arrived at the party only to see people dressed in Nazi attire.⁷¹

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Calls for ethnic and religious hatred in mass media and mass communications, graffiti	-5
×	Presence and popularity of radical nationalist literature, films, music. Ultra-nationalist rock bands and their concerts	-5
	Total for section 7	-10

8. Radical nationalist groups and parties

Indicators

- Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities).

The main neo-Nazi and radical right-wing groups in the UK are the British National Party (BNP), English Defence League (EDL), British Freedom Party (BFP), British National Front (BNF) and the “England First” party. British UKIP party (UK Independence Party) can also be considered moderately nationalist.

The BNP was formed in the 1980s, from the British National Front party. In 1999, the party gained popularity after Nick Griffin become the party leader. A court verdict of 15th February 2010, forced the BNP to accept non-white citizens to their party.⁷² BNF exploited this situation, starting to position itself as the only party that remained “pure white.”

The BNP, like other right-wing extremist organisations, uses social networks as a means for distributing their ideas. Despite the fact that they failed to gain a seat in parliament, they have received 85,000 “likes” on Facebook, which is the same as the number of votes cast for the Liberal Democrats.⁷³ In 2006, the party managed to get 33 seats in the local council and after these elections, they even proceeded to get second place in the London district.

However, at the partial elections to local authorities in 2013, BNP lost 10 out of 12 seats.⁷⁴ This was a welcomed surprise setback for the party, which managed to get seats at the European Parliament in 2009.

The radical right wing “English Defence League” was initially established in 2009 by Luton FC football fans.

Representatives of the organisation claim that the number of their followers amounts to 100,000 people, however, according to findings, their numbers vary between 25 and 30 thousand. In the spring of 2013,

it may be considered the heyday of the organisation's activities: a march protesting against Muslims was organised in retaliation for the murder of a British soldier Lee Rigby in Woolwich. The suspects of the horrific attacks were two Nigerian Britons.⁷⁵ 24 hours after the murder, the number of the English Defence League's supporters grew from 25,000 to 75,000 people.⁷⁶

The league hopes to use its "units" to unite their supporters in a fight against Islam, gays and lesbians. As in other countries, the League is trying to push the Jewish minority against Muslims. Thus, it does not resemble the classical right-wing ideology, but rather a mixture of different ideologies. Therefore, the behaviour of EDL members is sometimes quite contradictory. On the one hand, its supporters are publicly burning the Nazi flag, whilst on the other hand; they are protesting the celebration of Queen's Golden Jubilee using Nazi salutes.

The EDL also maintains relations with other organisations — UKIP (16.1% votes in 2004, 16.5% in 2009, 25% in 2013, at local elections) and the British National Front, which organise demonstrations against Muslims and construction of mosques.

The English Defence League has proved to be a desirable political party in many countries. For example, there is a "Czech Defence League" and a "German Defence League." In August 2012, they organised a demonstration in Cologne, under the slogan "March of the Patriots. For democracy and Christianity of Greco-Roman Heritage."⁷⁷

Norwegian Anders Breivik, who murdered 77 people in Oslo in June 2011, is likely to have maintained contacts with the English Defence League, thereby giving a push to mass protest movements in Europe. Despite the fact that EDL does not admit to their ties with Breivik, his name is often used in their manifestos.⁷⁸

The "British Freedom Party" had formally ceased to exist at the end of 2012, having not paid the election registration fees. The party stands on anti-Islam and anti-immigrant ethos, as well as advocating the exit from the EU. Prior to December 2012, being an officially registered party, BFP actively cooperated with the English Defence League, essentially being its political wing, with one of EDL leaders Kevin Carroll leading the British Freedom Party.

The British National Front (NF) is one of the oldest radical right-wing party (1967) and it flourished in 1970s and 1980s.

The National Front promotes "white family values" and "Fourteen Words." The white nationalist slogan that reads: "We must secure the existence of our people and a future for White Children." The party is openly cooperating with radical racist and neo-Nazi websites, such as Stormfront.

The National Front is critical of history, and is prone to Holocaust denial, while trying to avoid openly using the anti-Semitic rhetoric. Re-

cently, the party attempted to use an anti-Zionist stance and criticise the BNP in order to present itself in a more radical light. They claim, that mainstream media and mainstream political parties (including the BNP) are part of the Zionist Occupational Government. The National Front's former chairman Tom Holmes condemned the BNP for accepting "non-whites" into their ranks with one of the party's newspaper observers being a Sikh.⁷⁹

The England First Party (EFP) is a small nationalist political party in England. From 2006 to 2007, this party had two members in the County Council of Blackburn and Darwen.

The EFP was founded in 2004 by Mark Cotterill, who was the founder and chairman of "American Friends of the British National Party." However, he began to have political differences with the BNP, and ended up founding the EFP. England First Party disagrees with the BNP in its assessment of the United Kingdom. The EFP criticises British nationalism, and instead, supports English nationalism. The majority of the EFP members are former BNP members, as is the chairman Cotterill. The England First Party campaigns against the Regional Assemblies in the UK, as well as against immigration and UK's membership in the EU.⁸⁰

UK Independence Party is moderately nationalist. It stands for UK's withdrawal from the EU, severe restriction of immigration and creating jobs for the British. UKIP was extremely successful at local elections in 2013, gathering 147 seats (compared to 8 seats it won in 2009 elections).

- Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities.

On 10 August 2012, activists of the British Freedom Party were distributing party leaflets around Oakwood — North London — with a 20-point plan. These are some of them:

— Introduce a US style First Amendment guaranteeing Free Speech.

— Leave the profoundly undemocratic European Union.

— Abolish the Human Rights Act, which benefits only foreign criminals/terrorists.

— Halt any further immigration for a period of five years.

— Deport foreign criminals, seditious dual nationality Islamists and illegal immigrants.

— Abolish all multicultural and equality quangos.

— Halt and turn back all aspects of the Islamisation of Britain, including Sharia finance.

— Promote British values and assimilation, rather than multiculturalism and division.

— Halt and turn back all aspects of the Islamisation of Britain, including Sharia finance.

— Withdraw troops from all areas where we are not directly threatened.

— Cancel foreign aid to countries which do not deserve or need it.

— End welfare payments to immigrants; they must pay for their housing and children.⁸¹

Incidentally, all radical nationalist parties of the United Kingdom have anti-immigrant and nationalist demands in their programmes. All parties except for the BNP, which has its delegates in the European Parliament and is a member of the Alliance of European National Movements, are sceptical of the EU and advocate the UK's withdrawal, as well as a new visa regime at the borders.

The reasoning for this position is also almost identical — “native Britons are becoming a minority in their own country, and are second-class citizens,” “immigrants seize jobs that rightfully belong to the British,” “British cities are turning into African Bantustan,” “British soldiers in Asia are fighting for foreign interests,” and so on.⁸²

All nationalist parties also have the same direction in homophobia. In this sense, the most infamous homophobic speech was made by the leader of the BNP Nick Griffin in 2012 (see section 7)

- Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations.

Thus far these influences are insignificant. The general population of the UK remains tolerant; however, British sentiments are beginning to change, as demonstrated by public opinion polls of 2012. As already mentioned, 62.2% of respondents said that the UK has “too many immigrants.”⁸³

This fully corresponds to the radical nationalist views. While this situation is yet to affect the results of the parliamentary elections, it does affect the balance of power in local governments.

- Neo-Nazi and radical nationalist influence over the local legislative/executive bodies.

Radical nationalist parties have generally demonstrated an increase in their influence on the local government authorities. More recently however, voters are appearing to change their preferences after being disappointed by a party, and vote for another which seems more pragmatic.

For example, in the 2006 elections, the British National Party received 33 seats in the local council. In 2009, it solidified its position, bringing 3 more councillors to the local governments. However, in the 2013 partial elections, the BNP lost 10 out of 12 seats, which may be viewed as a defeat.

At the same time, UKIP, which is characterised as moderately right-wing conservative, won 147 seats at these elections, which shows the growing influence of nationalist views in society. At the same time, it should be noted that this is only 6% of the total amount of seats in these government bodies. Therefore, it is currently impossible to comment on the significance of the influence of right-wing radicals on the local government.

- Neo-Nazi and radical nationalist influence over the central legislative/executive bodies.

Nationalists have no representation in the UK parliament, therefore they have no influence over the central government.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of neo-Nazi and ultra-nationalist groups, movements, political parties (both in the centre and in the localities)	-5
×	Presence of discriminatory demands in the programmes of these parties and in the statements of their leaders towards the members of minorities	-5
-/×	Neo-Nazi and radical nationalist influence over the civil society, including oppositional and human rights organisations	-2.5
-/×	Neo-Nazi and radical nationalist influence over the local legislative/executive bodies	-2.5
-	Neo-Nazi and radical nationalist influence over the central legislative/executive bodies	0
	Total for section 8	-15

9. Extremist and radical nationalist public actions

Indicators

- Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities.

In mid-January, British police arrested 15 people after the clashes between radical right-wing activists and the local youth, near a mosque in East London.

Witnesses claim that the conflict started after English Defence League (EDL) activists started shouting anti-Muslim chants. According to Scotland Yard, one man was injured and taken to a hospital with “non-life-threatening injuries.”

“The clash involved several hundreds of people,” a police representative reported, “bottles and other items were used as weapons.” He also added, that all arrested were later released and noted that most of them were people who lived in the local area. The Police believe that EDL activists went to Whitechapel after participating in EDL-organised demonstration in Barking.⁸⁴

On September 29, massive religious clashes occurred in the industrial city of Walsall, West Midlands. Nationalists from the English Defence League, conducting an authorised rally, attacked Muslims who were having a protest action nearby. According to the authorities, both actions were participated by more than 1 thousand people in total. Clashes occurred when a small group of EDL activists tried to break through police cordons to reach the Muslims. They pelted the police with bottles and stones, and riot police was required for backup.

The “majority of people who took party in two demonstrations behaved calmly and within the law,” stated the Walsall police chief Dave Sturman. He continues however that “unfortunately, a slam number of activists disrupted the order.” He reported that the police are currently “investigating what happened” in order to provide recommendations for the future maintenance of order in this large English city. As a result, 28 people were arrested, and several police officers were injured.

In December 2012, hundreds of outraged unionists (supporters of preservation of Northern Ireland as part of the UK) attempted to break into the city hall, pelting bottles and stones at guards. Two guards and a journalist photographer were injured as a result. Five police officers were also injured. The alleged motive of the attack was incitement following the decision of Belfast City Council to remove the British Union Jack from the building.⁸⁵

In late August, seven law enforcement officers were injured during the riots after the conduction of a banned Protestant march in the administrative centre of Northern Ireland, Belfast.

The situation escalated and got out of control after a march of Organists, Protestants living in this part of the United Kingdom. Members of the Young Conway Volunteers group marched past the St. Patrick Catholic Church singing internecine songs.

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities.

The main participant and organiser of mass demonstrations among the British nationalists in 2012 was the English Defence League They

adopt a “direct action” strategy in their movements. This radical right-wing organisation was conducting actions on an almost monthly basis all over the UK. Usually, they were accompanied by the protest actions of antifascists, who in some cases outnumbered the groups of nationalists and turned them away.

This happened in Birmingham in July 2012, where a convoy of several hundreds of nationalists, protesting against “immigrant and Islamic domination,” was blocked by a similar column of antifascists.⁸⁶ A similar incidence occurred in June in Bristol, as well as Walthamstow in September, Sunderland in October,⁸⁷ Norwich in November,⁸⁸ and East London, where 4,000 antifascists came out against 400 nationalists⁸⁹

- Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies.

Such cases were not recorded in 2012.

- Presence of “football xenophobia” and racism amongst sports fans.

Football xenophobia is fairly widespread in the UK. Despite the efforts of football associations racism is still ever present in football. This stands in contrast to Germany, for example, where racist incidents are completely excluded from the First Bundesliga (in the lower level leagues, such cases are not uncommon, however).

Based on the results of an online poll 2011/2012 named “Racism and Football in the 21st century,” researchers examined the two indicative events in the football world. The first one happened in October 2011 in a match between Liverpool FC and Manchester United at the Anfield football stadium, where Patrice Evra (Manchester United) was subjected to racist insults by Luis Suarez (Liverpool). The Liverpool player was suspended from participation in 8 consecutive matches, and was fined for 40,000 pounds for his actions.

The second incident occurred a week later, during a match between Queens Park Rangers and Chelsea at Loftus Road Stadium, where a “verbal altercation” occurred with the use of racist insults between the Chelsea Captain John Terry and a Queens Park Rangers defender, Anton Ferdinand. The trial in their case continued for almost a year. As a result, in 2012, John Terry was cleared of all charges. However, in September 2012, he was once again accused of racist statements against Ferdinand and was fined 220,000 pounds, as well as suspended for 4 matches in the UK Cup.

In January 2012, it was revealed that Ferdinand received a letter on the day before the match, containing a bullet which was sent to the football club’s training grounds.⁹⁰

The University of Stafford conducted a survey in 2011/2012, on the subject of “Racism and Football in the 21st century.” The survey polled around 2,500 people, showing that half of the football fans attending matches are either witnessing or being subjected to racism. Despite the regular anti-racist initiatives, such as “Kick it out,” as well as activities of various anti-racist organisations, the scale of the problem is largely underestimated.⁹¹

Despite the fact that the level of sports racism dropped since the 1980s, it still exists today. Racism became more widespread on social networks, as well as among fan clubs: 80% of respondents agreed that mass media provided an opportunity to develop racist ideology, which previous generations did not have.

In October 2012, the public was stirred up by an incident during a game against a Serbian team U-21. Among the members of an English team, was a black player Danny Rose, who was insulted throughout the entire match. He was compared to an ape, with public making corresponding noises and hurling stones⁹² at him. After this incident, the UEFA introduced tough sanctions against the Serbian football association.

Xenophobia, and anti-Semitism in particular, is often displayed at the groups famous football team such as “Tottenham,” who traditionally calls itself Yid Army, as the stadium of this football club is located next to a Jewish neighbourhood of North London.

On November 25, the “Hammers” fans shouted insults at Tottenham fans during a match in London, alluding to their supposed Jewish origins, “Viva Lazio,” “Adolf Hitler will get you” and “Can we cut you every week?” were amongst the insulting phrases used. They were making a humming noise, simulating the death of Jews in the gas chambers during the Holocaust.

On November 27, the Board of Deputies of British Jews condemned the anti-Semitic speeches of West Ham football fans. “There is no place for anti-Semitism in football and society in general. For football fans, the use of Holocaust images or calls praising Adolf Hitler is an insult, offending the Jewish community and leaving a stain on the image of British football.”⁹³

Representatives of West Ham football club, in turn, stated on November 27th that all fans who will be found guilty of participating in anti-Semitic shouts against the fans of Tottenham FC will be permanently banned from the club’s stadium.

Tottenham fans have often been harassed by the fans of other clubs. Anti-Semitic slogans have been heard multiple times during the football matches with Tottenham. In Europa League, 2011/2012 season, Tottenham fans have been subjected to insults on two occasions. In November 2012, two fans of Roma, an Italian foot-

ball team, were barred from attending sports events for attacking a 25-year-old Tottenham fan and wounding him with a knife. In early 2012, three French football fans were arrested for attacking the Tottenham fans in Lyon.

The Tottenham Hotspur Supporters' Trust organisation, uniting the fans of the London football club, stated that it will seek legal advice, because it requires an explanation on what the consequences of using offensive speech in the future would be.⁹⁴

In December, an investigation has been launched into racist insults by fans of a Macclesfield Town FC player Nat Brown, during an FA Cup game on December 18th.⁹⁵

Racism is also observed online, yet the anonymity afforded by social networking does not guarantee exemption from punishment.

Racist statements on Twitter are often made anonymously, although in some cases the offender is tracked down. This was the case with a 21-year-old called Liam Stacey, who was jailed for 56 days in March 2012 for racist remarks on Twitter against a Bolton team player, who died of cardiac arrest during an FA Cup match against Tottenham Hotspur at White Hart Lane stadium.

In the same month, Joshua Cryer was sentenced to jail for racist "Tweets" against Stan Collymore. Collymore reported the online racist abuse to the police, thus facilitating the process of sentencing.⁹⁶

The British media has been known when broadcasting on football to publish materials of a xenophobic character,. Often, players accused of xenophobia on the field become the heroes of journalistic reports.⁹⁷

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Neo-Nazi and radical nationalist participation in mass actions prohibited by the authorities	-5
×	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities	-5
-	Neo-Nazi and radical nationalist participation in mass actions permitted by the authorities, with the participation of representatives from the legislative or executive bodies, law enforcement and security agencies	0
×	Presence of "football xenophobia" and racism amongst sports fans	-5
	Total for section 9	-15

10. Racist attacks, violence and terror

Indicators

- Vandalism in cemeteries, attacks on religious buildings.

On November 30, unknown subjects desecrated a monument in Kingsmill, Northern Ireland, dedicated to ten Protestants shot by IRA militants in 1976 in retaliation for the killing of Catholics, which occurred the day before.⁹⁸

- Inter-ethnic clashes instigated by xenophobia and radical nationalism.

As reported by the monitoring, several clashes with Muslims have been recorded in the UK during 2012. One of the clashes happened on January 15th near a mosque in East London, as well as in Walsall in the British Midlands (see section 9). In both cases, the instigators of clashes were the activists of the English Defence League.

- Cases of violence, including murder on racial, ethnic and religious grounds.

As already mentioned in section 3, 43,748 cases of hate crime were reported in Britain during 2012.⁹⁹ The basis of most of them was racial hostility.

The number of anti-Semitic and anti-Islamic attacks remain considerably high. The Community Security Trust (CST) has reported that around 640 cases of anti-Semitic attacks were registered in 2012, which is a 5% increase than 2011 (608 attacks)¹⁰⁰ and more than twice the amount recorded annually during the period of 1990 to 2001 (282 on average).¹⁰¹ It is also worth noting that in 2009, 929 such crimes were recorded.

Almost half of all anti-Semitic incidents occurred in the Greater London area. Moreover, this area saw a drastic increase in such crimes (314 cases) since 2011 (203 cases). The greatest number of crimes was committed in March and November (75 and 80 respectively). It was at this time, when there was a barbaric attack on Jewish children in Toulouse, France (March) and operation "Pillar of Defence" in Gaza (November). Therefore, there is a direct link between the most infamous anti-Semitic actions in Europe and the deteriorating situation in the Middle East, as well as the growth of anti-Semitic incidents in London.

The CST also recorded 80 cases of anti-Semitic incidents on social networks in 2012, compared to only 12 of such cases which were recorded in 2011.

The British Home Office report on freedom of religion (2012) discussed 631 cases of attacks against Muslims, half of which were made against women. 47% of cases were related to abusive behaviour, 34% were related to distribution of anti-Muslim publications, 3% involved the desecration of sacred sites, and only 2% were related to violent attacks.¹⁰² In general, the reduction of violence in crime is a positive trend regarding all crimes motivated by religious hatred, which was happening for the past three years.

Nevertheless, the number of crimes motivated by homophobia has increased. While 19 incidents took place in 2011, in 2012 the number of such cases increased to 80. Attacks against people with disabilities has also increased from 60 in 2011 to 136 in 2012.

In 2012, a murder motivated by hate crime was reported. On September 24, a lorry driver Mohammed Salim Khan, 36, was mortally wounded in North Yorkshire. A 26-year-old male from Easingwold was arrested on suspicion of murder. Three other local residents ;a 20-year-old woman and two men aged 21 and 25 were arrested on suspicion of assisting the crime.¹⁰³

- Terrorist attacks on the basis of radical nationalism and religious fanaticism.

In the year of 2012, there were no successful terrorist attacks in the UK; however, the law enforcement agencies prevented at least four of such attacks.

In late April, Northern Irish bomb squad prevented a double terrorist attack. The police managed to locate and defuse two car bombs in the Northern Irish capital, Belfast and a small town of Newry, near the Irish border. According to representatives of the armed forces that took part in a bomb threat in Newry, the charge was so powerful that it could have led to significant damage.

On May 14, an explosive device was discovered in Enniskillen airport in the west of Northern Ireland. British Army bomb squad was called to the scene where the bomb was defused on the spot.¹⁰⁴

On July 5, a newly converted Muslim Richard Dart with two of his brothers, as well as another four men and one woman were arrested in London, accused of plotting a terrorist attack against Prince William and his bride Kate Middleton. Richard Dart served as a police officer, and was also recruited by one of the radical Islamist organisations.¹⁰⁵

In December 2012, Northern Irish law enforcement arrested four alleged members of the Irish Republican Army (IRA), suspected of manufacturing and planting a bomb in Londonderry in Ireland.

An explosive device was also discovered on the eve of U.S. Secretary of State Hillary Clinton's visit to Belfast. Her visit was dedicated to the 5th anniversary of establishing a joint Catholic-Protestant government.¹⁰⁶

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Vandalism in cemeteries, attacks on religious buildings	-5
×	Inter-ethnic clashes instigated by xenophobia and radical nationalism	-5
×	Cases of violence, including murder on racial, ethnic and religious grounds	-5
×	Cases of hate crimes	-5
-	Terrorist attacks on the basis of radical nationalism and religious fanaticism	0
	Total for section 10	-20

11. Presence, popularity and size of anti-fascist and anti-racist movements

Indicators

- Presence of anti-racist and anti-Nazi movements and parties.

The modern antifascist movement in the UK, having deep antifascist traditions, was first established in mid-80s, when members of a left wing Red Action group, as well as other leftists associated with the Socialist Labour Party, created Anti-Fascist Action (AFA). The movement has been actively involved in the struggle against racist and neo-Nazi groups and parties, particularly the British National Front. Antifascists engaged in fierce conflict with the radical rightists on the streets, for which they were frequently criticised by Liberal politicians.

In 2001, the AFA disintegrated into several smaller organisations, and was replaced by a new antifascist movement called United Against Fascism, which is now the largest and most influential antifascist organisation.

There is also an active antiracist organisation, aimed at protecting the rights of immigrants — the Joint Council for the Welfare of Immigrants.

The work of combating racism in sports is carried out by “Show Racism the Red Card” organisation.

There are also a number of small various organisations, such as the Institute of Race Relations, as well as a number of other antifascist and antiracist organisations.

- Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations).

United Against Racism (UAF), being the most active antifascist organisation, uses the tactics of mass street displays and counter-actions to similar neo-Nazi activities. Its tactics involve identifying the places of mass nationalist demonstrations in advance, and organising parallel rallies and demonstrations. Sometimes, antifascists would block the road for a radical nationalist procession, the UAF has the ability to gather from several hundred to several thousand people on short notice. Such actions took place during the year in Birmingham,¹⁰⁷ Bristol, Walthamstow, London,¹⁰⁸ Sunderland,¹⁰⁹ Norwich,¹¹⁰ and many other cities across the country (see section 9).

In addition, UAF conducts campaigns directed against the electoral victory of the British National Party representatives. In particular, UAF launched a campaign against the re-election of BNP leader Nick Griffin to the European Parliament (elections will take place in 2014).¹¹¹ In November 2012, organisation held a successful campaign against the leader of the British National Party, which was related to his homophobic remarks on Twitter. One can safely assume that the UAF efforts also contributed to BNP's defeat in the partial elections to local council in 2013.

On 22 October 2012, approximately 100 antifascists gathered near BBC studio in London in protest to Nick Griffin's participation in the popular television show "Question Time."

Nearly 30 protesters managed to break through the fence at the entrance to the Television Centre. However, they were stopped by the police, resulting in a fight in which 6 protesters were detained. During the clash, three police officers were slightly injured.

In connection to this incident, BBC representatives stated that the channel is required to provide a platform for representatives of all parties; they also stated that the show is not live, and will be edited accordingly, if it be deemed necessary.¹¹²

As already mentioned, the Joint Council for the Welfare of Immigrants, being one of the oldest UK human rights organisations, is engaged in providing protections for immigrants' rights.

Several other organisations, primarily the "Show Racism the Red Card," work exclusively among sports players and fans, especially football. The organisation has greatly expanded their activities, managing to involve the leadership of the English Premier League and the leading British football players to its work. In October 2012, the organisation held several mass protests in response to manifestations of racism during football matches. Their actions involved several celebrities from the English football team. Furthermore, in February 2012, SRRC held an exhibition in the Scottish Parliament, dedicated to racism on the football

field. The organisation also conducts educational lectures at football clubs, and most importantly, organises extra-curricular activities in British schools on the subject of “No to racism on the football field.”¹¹³

In 2001, London’s Security Trust began actively participating in opposing anti-Semitism, reporting cases of anti-Semitism to the police, and acting as an intermediary between the victim and the police/security services. The Security Trust published an annual report on anti-Semitic incidents, as well as on manifestations of anti-Semitism in the press.

Since February 2012, NGO “Tell MAMA” is conducting a monitoring of attacks against Muslims. This organisation is often financed by the British government and acts as an advisor for younger organisations, with its many years of experience.¹¹⁴

Non-governmental organisations dedicated to LGBT rights are also fairly active in the UK. On June 27, they held another gay festival in Bristol, despite the attempts of the English Defence League to counteract this event.¹¹⁵

An All-Party Parliamentary Group against Anti-Semitism was established in 2005 and was led by John Mann. In September 2006, it published a report on the current level of anti-Semitism in the United Kingdom.¹¹⁶ The All-Party Parliamentary Group also monitors the activities of anti-Semitic websites. For example, in 2009, British Telecom blocked the anti-Semitic website “Catholic Voice.” Group’s website¹¹⁷ (<http://www.antisemitism.org.uk/>) contains a fund (PCAAF), which is responsible for gathering information about anti-Semitic manifestations, and it even maintains its own blog.

Another organisation involved in the fight against racism, xenophobia and Islamophobia is the NGO “Forum Against Islamophobia and Racism” (FAIR).

- Presence of anti-racist and anti-fascist civic initiatives.

In 2012, Joint Council for the Welfare of Immigrants launched an initiative to create a mass social movement against xenophobia, which would unite many organisations with the purpose of advocating for the rights of foreigners. Its goal is to explain the contributions of immigrants to the British economy and culture.

In September 2012, British Parliament published a report on “Racism in Football — Culture, Media and Sport Committee,”¹¹⁸ where members of the All-Party Parliamentary Group against Anti-Semitism offered their proposals to improve the current situation in the country.¹¹⁹

A number of initiatives were put forward by the Show Racism the Red Card organisation, which is trying to involve different social classes in the solution of this problem in football. For example, one of the effective initiatives in 2012 was the “Writers Against Racism” campaign.¹²⁰

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Presence of anti-racist and anti-Nazi movements and parties	5
×	Anti-racist and anti-fascist movement activities (pickets, rallies, demonstrations)	5
×	Presence of anti-racist and anti-fascist civic initiatives	5
	Total for section 11	15

12. Glorification of German National Socialism and collaborators of Nazi Germany

Indicators

- Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition.

On November 8, a Holocaust memorial tree in Weymouth City Park was cut down. The tree was planted to commemorate the Jewish victims of the Holocaust.¹²¹

- Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers.

Such cases were not recorded by the monitoring in 2012.

- Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities.

Such cases were not recorded by the monitoring in 2012.

- Historical revisionism, Holocaust denial.

Of all the British radical right-wing parties, only the British National Front is critical of history and is prone to Holocaust denial. However, recently the party appears to no longer use an openly anti-Semitic rhetoric.

There are several writers, religious, political and social activists residing in the UK, who had previously denied the Holocaust. David

Irving is one of them, previously accused of denying Holocaust in Austria in 2006, as well as a former Bishop Richard Williamson, who was excommunicated from the Catholic Church. David Myatt a religious activist and the leader of the British National Party Nick Griffin a social activist who occupies the post of chief editor of BNP's magazine *The Rune* in the 90s, actively defended the position of Holocaust denial.

However, in 2012, there were no statements related to the denial of the holocaust.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Glorification of German National Socialism and/or its collaborators in the media, desecration and vandalism of monuments and memorials to soldiers of the anti-Hitler coalition	-5
-	Glorification of German National Socialism and/or its collaborators with the support of local authorities, demolition of monuments to soldiers of the anti-Hitler coalition, erection of monuments to the soldiers of Wehrmacht and Nazi butchers	0
-	Glorification of German National Socialism and/or its collaborators in the decisions made by the authorities	0
-	Historical revisionism, Holocaust denial	0
	Total for section 12	-5

13. Persecution of veterans and partisans of the anti-Hitler coalition and anti-fascists

Indicators

- Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists.

Such cases were not recorded by the monitoring in 2012.

- Restrictions on human rights and anti-fascist organisations imposed by the authorities, bans to entry or exit imposed on anti-fascists by the authorities, inaction of the authorities.

Such cases were not recorded by the monitoring in 2012.

- Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists.

Such cases were not recorded by the monitoring in 2012.

PRESENCE OF CRITERIA	INDICATORS	SCORE
–	Public calls for repression against the veterans and partisans of the anti-Hitler coalition, as well as anti-fascists	0
–	Restrictions on human rights and anti-fascist organisations imposed by the authorities, bans to entry or exit imposed on anti-fascists by the authorities, inaction of the authorities	0
–	Criminal prosecution of veterans, partisans of the anti-Hitler coalition and anti-fascists	0
	Total for section 13	0

14. International aspect

Indicators

- Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities.

United Kingdom joined all major international documents aimed at protecting human rights.

During the monitored period, the UK did not join any new international agreements or resolutions of the UN, or other international organisations dedicated to the fight against Nazism, racial discrimination or the protection of the minorities.

Representatives of the United Kingdom refused on December 20, 2012, when voting for UN resolution A/RES/67/154 — “Glorification of Nazism: the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance” proposed by Russia. The official reason for refusing to support the resolution was to protect the freedom of speech ideal.

- International declarations and initiatives of the monitored countries and the leading politicians against discrimination, neo-Nazism and xenophobia.

In 2012, there were no international statements or initiatives against discrimination, neo-Nazism or xenophobia by the UK authorities, or popular British politicians.

PRESENCE OF CRITERIA	INDICATORS	SCORE
×	Participation of the monitored countries in the most significant international agreements on combating racism and discrimination against ethnic minorities	5
–	Accession to new international agreements, as well as resolutions of the United Nations and other international organisations dedicated to combating Nazism, combating discrimination, or protecting rights of minorities, during the monitored period	0
–	International declarations and initiatives of the monitored countries and the leading politicians against discrimination, neo-Nazism and xenophobia	0
	Total for section 14	5

CONCLUSION

Implications for the development of the country and society, based on the analysis of factors and taking into account the aspects listed below.

1. Human Rights

- *Guarantees for minorities against any form of discrimination.*

United Kingdom's legislation on the protection of minority rights is one of the most advanced in the world. The present atavisms, related to the ban on succession to the throne for members of religions other than Anglican, cannot be considered as severe violations of minority rights. Therefore, minorities in the UK are legally guaranteed against discrimination.

Nevertheless, law enforcement practice is such that racial discrimination, as well as discrimination against the Roma and Gypsies, remains a real problem in the UK. Members of ethnic minorities are most often detained by the police for searches; workplace discrimination is

frequent not only on the basis of race, but also caste (for people of Indian origin). There are cases of discrimination of children on racial basis by their peers in mainstream schools. Roma face discrimination in employment and healthcare. Discrimination against Christians is an increasing problem in the British society.

All things considered, one cannot say that despite advanced legislation, minorities in the UK are guaranteed against discrimination.

- *Adherence to norms of the fundamental human rights instruments (European Convention for the Protection of Human Rights and Fundamental Freedoms, European Charter on Human Rights, as well as in adherence to the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance, etc.)*

United Kingdom signed, ratified and implemented the basic provisions of international agreements on human rights.

- *Differentiation in rights and freedoms of the titular nation and ethnic minorities.*

At a legislative level, there is no differentiation between the rights and freedoms of the British and the minorities. At the same time, discriminatory practices against immigrants, as well as citizens of non-British origins, show that de-facto such discrimination exists.

- *Legislation enshrining inequality of minorities.*

As of time of monitoring, such legislation did not exist.

- *Rulemaking in protection of minorities.*

In 2012, British legislature was working on a bill drafted to tackle defamation, while Greater Manchester County was working on a new legal classification of hate crime, which introduce the definition of various social groups that may fall victim to hate crime to the British legislation (first — at a local level). Greater Manchester legislature included the youth subcultures, such as “emo,” “punks,” etc., on the list of vulnerable groups.

- *Freedom of speech violations.*

Freedom of speech is a multifaceted concept in the UK, which includes the freedom of opinion, and public expression of opinion, freedom of press, freedom of creativity in any form. However, regulating the freedom of speech, national legislation establishes certain restrictions. These include the inadmissibility of libel, incitement to riot, propaganda of racial hatred, obscene language and pornography, blasphemy, contempt of court, violation of privacy.

In some cases, accusations of these crimes are very closely intertwined with violations of freedom of speech. There were several controversial verdicts in 2012; some of them involved prison sentences to people who made online posts, stating their opinion of the police or the British Army in Afghanistan.

- *Legislation and law enforcement practices concerning migrants.*

In general, the UK has well-developed legislation regarding immigrants, with the exception of the Right-to-reside test, which is a violation of EU laws, particularly the standard Habitual Residence Test, which all EU member states are required to use. It is the latter test that should be used for considering welfare benefits to immigrants.¹²²

2. State of the society

- *Risk of violation or non-compliance with the acting laws directed at protecting the rights of minorities; risk of discriminatory practices against members of minorities.*

Discriminatory practices against certain groups of the population undoubtedly pose a greater threat for the British society than radical right-wing parties and organisations, which so far do not have a majority influence over a common citizen. It is worth noting that the UK is so far successfully combating hate crime, combining the legal practice with the activity of public organisations.

However, discrimination against Christians is a problem that does not receive a lot of attention from the government or human rights activists. The uncomfortable existence of Christians in Britain, which is evidenced by public opinion polls conducted in 2011/2012, undermines the traditional foundations of the society. This may eventually lead to the growth in anti-Islamic sentiments, and to the popularity of moderately nationalist conservative parties, such as the UK Independence Party which has already started gaining political weight.

- *Subject of identity — how manifestations of xenophobia and extremism affect the identity of minorities, as well as identification of minorities on the part of the majority (growth of social phobias).*

So far, minorities in the UK are not faced with the problem of identity. However, this problem may arise for the religious part of the population as a whole, and Christians in particular, since the existing legislation is ultimately impeding their religious identity

3. Socio-economic development of the country

(Do manifestations of various forms of xenophobia and extremism affect the socio-economic development of the country)

- *Standard of living.*

The United Kingdom, just like all countries of the European Union in 2012, suffered from the consequences of the financial crisis. However, this was related to economic factors, rather than manifestations of xenophobia. Nevertheless, the government's social welfare policy, which affects many immigrants, led to an increase in nationalist sentiments in the British society and to the popularity of nationalist parties.

- *Economic turmoil and instability.*

Economic problems, as well as economic instability, was typical for the UK, as well as all other developed countries in the EU in 2012. However, they were based solely on economic factors.

- *Decline in production growth, emigration of the labour force.*

UK does not have a significant labour emigration from the country. On the contrary, despite economic recession, the country remains a centre of attraction for immigrants. Furthermore, the support system for the labour force in Britain is very attractive for immigrants, as it guarantees the standard of living that is almost on par with the wage of an average working citizen.

4. Security and geopolitical stability in the region

- *Political stability in the country.*

United Kingdom's political stability remains fairly high. It can be argued that the level of xenophobia in UK, in 2012, remained well below the level of many other European countries, and did not determine the political course of the country during the monitored period.

- *Impact of xenophobia and extremism in the country on the issues of external security, on relations with third countries and the international security in the region as a whole.*

So far, xenophobia and extremism have no such impact. UK remains one of the leaders of the Western World, actively defending European values. In general, human rights are respected in this country, albeit with occasional drawbacks in the form of discriminatory practices in the everyday life of citizens.

The recently increased activity of the radical right-wing parties in the UK does not pose a serious problem for the political course of the country yet. It is also faced with a powerful opposition of antifascist organisations.

At the same time, the growth of xenophobic sentiments in the society becomes clear, as evidence by public opinion polls in 2011/2012. React-

ing to the changes in public opinion, the Conservative Party has taken some of the radical proposals of nationalist parties, related to restricting immigration and reducing the EU influence on the country's politics.

RECOMMENDATIONS

1. *General recommendations for the accession to international agreements and conventions.*

United Kingdom has already joined all international agreements and conventions related to human rights. The UK's refusal to join the numerous resolutions of the UN General Assembly, aimed at countering the glorification of Nazism,¹²³ was explained with the concern that this document contradicts the fundamental human right to freedom of expression.

However, it is important to understand that the glorification of German Nazism is closely linked to the propaganda of racial discrimination and is aimed against minorities. Thus, joining such resolutions is compliant with the country's legislation prohibiting the propaganda of racial hatred, as well as the General Comments No. 34 to Article 19 of the International Covenant on Civil and Political Rights.

Furthermore, the UK's accession to these resolutions will give a powerful signal to various Eastern European countries, where glorification of Nazism is elevated to the ranks of government policy.

2. *General recommendations for adjustments to the legal framework.*

The United Kingdom's internal legislation requires minor amendments, in relation to eliminating the historical atavism regarding the right to succession of the Throne of religious minorities and women.

Furthermore, United Kingdom should align its immigration law enforcement practices to the European Union legislation. This involves cancelling the Right-to-reside test for immigrants, which is illegal in terms of the European Commission.

In order to overcome discriminatory practices in religion, England and Scotland should equate the minority religious organisations (such as Hindu, Islamic or Jewish) to the officially recognised, Anglican Church in England and Presbyterian in Scotland. This will allow the clergy of these religious organisations, working in hospitals or the penitentiary system, to receive a wage from the government. It is also necessary to clarify the term "religious beliefs" in the anti-discriminatory legislation, as the unclear wording allows many persons who discriminate against the believers escape responsibility — mostly in employment.

A law on defamation should be adopted as soon as possible, to eliminate the abuse of freedom of expression in the application of the current legislation on liability for defamation.

3. *General recommendations for the executive bodies in the field of law enforcement and human rights.*

Tough measures should be introduced to eliminate the discriminatory practices in the fields of employment, healthcare, education, against racial, ethnic and sexual minorities, as well as the rights of the believers, which are still present in the UK.

It is also necessary to abandon discriminatory practices against immigrants and refugees, particularly those that represent certain ethnic groups, as well as children.

The issues of freedom of speech should be more carefully examined, introducing the responsibility for accusation of libel.

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SUMMARY OF INDICATORS FOR 2012

No.	INDICATORS	SCORE
1	Legislation (central, regional, municipal) and law enforcement practices that contribute to the development of radical nationalism	-7.5
2	Xenophobia and inflammatory statements by members of the authorities and media	-5
3	Legislation and law enforcement practice preventing the development of radical nationalism	15
4	Statements by government representatives, members of the ruling party and influential politicians against xenophobia and radical nationalism	5
5	Activities aimed at promoting tolerance and preventing extremism	5
6	Status of migrants and society's attitude towards immigrants, foreigners, different ethnic groups	2.5
7	Incitement of religious and ethnic hatred	-10
8	Radical nationalist groups and parties	-15
9	Extremist and radical nationalist public actions	-15
10	Racist attacks, violence and terror	-20
11	Presence, popularity and size of anti-fascist and anti-racist movements	15
12	Glorification of German National Socialism and collaborators of Nazi Germany	-5
13	Persecution of veterans and partisans of the anti-Hitler coalition	0
14	International aspects	5
	Total	-30

Ranking table
Levels of radical nationalism in european countries
(2012)

No.	COUNTRY	SCORE
1	Greece	-67.5
2	Estonia	-60
3	Latvia	-57.5
4	Ukraine	-57.5
5	Hungary	-47.5
6	Lithuania	-47.5
7	Moldova	-47.5
8	Bulgaria	-42.5
9	Romania	-40
10	France	-37.5
11	Russia	-32.5
12	United Kingdom	-30
13	Italy	-25
14	Albania	-15
15	Czech Republic	-15
16	Germany	-10
17	Finland	-10
18	Croatia	-10

Conclusion

Cumulative analysis of factors that have decisive influence on social development in 18 European countries during the year 2012 showed that the factor of *hate* (towards other social, national, religious, and other groups), including such manifestations as xenophobia, radical nationalism, neo-Nazism, discrimination, etc., is characteristic to all monitored countries without exception. Difference in scores is impressive. On the one hand, there is Greece, “scoring” –67.5, and on the other, there is Germany, also a European country, with its score of –10, or Albania with the score of –15, located in the same region. This gives food for thought and not comforting forecasts. Although, if closely examined, there are some alarming preconditions in both Germany and Albania, which under certain circumstances can trigger processes that would bring these countries from the area of relative stability to the area of high risk. Czech Republic is a striking example of this transformation, which demonstrated high tolerance in 2012, but appeared in news headlines the year after with the reports of numerous anti-Roma attacks.

Of course, the first question that arises among the observers — what causes these processes? Some talk about economic factors, some talk about migration processes, etc. All this definitely takes place, but is not the main reason. Economic crises happened before, and on a larger scale. As for immigrants, there is a whole number of countries created by immigrants, which still have a constant flow of immigrants, but their stability does not raise any questions.

The main reason is the crisis of a traditional European nation-state, which was created in mid-19th — early 20th century on the ruins of former great empires. Nation-state is a natural and irreplaceable institute of modern humanity. It protects the interests of the nation. The question is, what is meant by the “nation”? Nation can be regarded as an ethnic group. Such nation-state is formed on the “principle of blood.” This is something many radical nationalists and neo-Nazi aspire to, despite the fact that the only European experience of such state in 1930–1940s failed, resulting in a tragedy of millions. Nation can also be understood as a community of people united by a common supranational (supra-ethnic) political or religious

idea, tied to a common territory and common historical fates of members of the community (such states include the USA and Switzerland; and the principle upon which the USSR was founded in 1922). Conventionally, such state can be called international, since it is not created around the traditions of a particular titular ethnic group.

However, in most European countries, a nation is a community of people who *regardless of their ethnicity* are united by a **common territory**, as well as a **common cultural** and **historical** identity. This traditional perception allows member of any ethnic or religious group to become French, Greek or Italian, if he satisfies the strictly defined conditions for naturalisation. Nation-states where ethnicity is irrelevant, but what is important, is the cultural unity, common historical destiny, common territory, are finally considered the countries created on the “principle of land,” they are definitely based on cultural, historical and linguistic traditions of the titular ethnic group. In other words, to be a part of the French nation, resident of the French Republic does not have to be French by ethnicity, but must be fluent in French, accept the French history and culture as his own and feel his integral belonging to France. Calling things by their proper name, he has to voluntarily assimilate. The word “voluntarily” is key here. This does not mean that he has to forget his roots and native language. In France, for example, we find the descendants of the Russian immigration of 1920s, who preserved Russian language and carefully treat their ancestors’ culture, but they are actually French, in a cultural, linguistic and everyday sense of the word. Vast majority of these people would not change Paris to Moscow, and not for economic, but entirely different reasons.

This state-forming principle is still considered a major achievement of European democracy, an essential tool in the struggle against racial and religious discrimination. This principle founded the majority of Old World countries. This state is what many post-Soviet countries strive for, especially the Baltic States.

Today, this traditional state is in a crisis. The crisis arose as a result of globalisation processes, when streams of immigrants poured into Europe unwilling to *voluntarily* assimilate. Tunisians in France wanted to stay Tunisians, and not become French. In Germany, the same happened with Turks. Yes, they enjoyed living in these countries, where their children were born; and they were ready to accept themselves as citizens of France or Germany, but not as French and Germans. However, European traditional nation-states, despite claims of commitments to the ideals of multiculturalism, were not ready to accept the new model. As a result, minority rights have not become a priority in most European countries. Furthermore, some leading countries such as France and Greece still do not recognise their existence (with the exception of Western Thrace minorities in Greece, which it falsely considers Turks in accordance to the Lausanne Treaty 1923), even though ethnic minorities constitute around 10% of their populations. Many countries recognised the traditional peoples inhabiting their territory for centuries as national minorities, but refused to recognise the so-called “new” peoples. Germany, for example, officially recognises Serbian Sorbs,

Danes, Frisians and German Roma who have the status of ethnic minorities with all its consequences, but it does not recognise Turks, former Yugoslavians and even Poles who amount to more than 1 million people. They are not covered by many international conventions, such as the European Charter on Regional Languages. Due to labour immigration in recent decades, the number of “new” national minorities is significantly larger than “traditional” minorities. Furthermore, completely new diasporas started to appear, which did not exist on the European ethnographic map but ten years ago. Unwillingness of the European authorities to adopt a new model of a nation-state, with a greater tilt towards internationalism and recognition of cultural and linguistic rights of national minorities, has led to emergence of ghettos in nationally homogenous countries.

Crisis of the nation-state also affected Eastern European countries, which proclaimed their policy of creating a traditional nation state in the early 90s, where national minorities would have to voluntarily assimilate. Generally, this contradicted the internationalist order that existed during socialism, when minorities had all national-cultural rights, from education in their native language to their own media outlets. No national minority was ever assimilated in USSR and socialist countries. As a result, a conflict arose in Eastern Europe between the western model imposed on national minorities and the old internationalist order.

The situation was even more complicated in the Baltic States and Moldova. There, more than a million of Russian-speaking inhabitants were artificially separated from the Eastern European civilisation, from their spiritual and cultural centre — Russia. Instead, they were offered other national, cultural and political values alien to them. Furthermore, while in Lithuania and Moldova the imposed assimilation process was relatively voluntary — all residents at the time of independence received citizenship and equal rights — minorities in Latvia and Estonia were subjected to forced assimilation — they were not granted citizenship, they were deprived of many political and economic rights, education in minority schools was gradually phased out, they were dismissed from civil service positions under the pretext of poor knowledge of state language, etc. These countries created special language services, which monitored the use of state language in business activities.

Thus, authorities of many Eastern European countries, striving to create a European nation-state, have artificially provoked conflicts threatening the social stability.

Economic factors have only aggravated this crisis. Immigration flows increased and so did the fears of indigenous peoples regarding their jobs. New political forces that speculate on this are inciting xenophobic sentiments even further. These political forces now account for a significant part of the European political spectrum. Xenophobia and aggressive nationalism are becoming a significant part of the European public discourse, due to the split in society along ethnic and religious lines. Moreover, this disease affects both the titular nation and the minorities, who thing that they are forced into ghettos, denied national identity, etc.

Analysis shows that this crisis has already spread across Europe. It is most evident in Greece, Estonia, Latvia and Ukraine. Although each of these countries has its own specifics and its own reasons for the growth of radical nationalism, the overall cause of the crisis is the same — failure of one part of the population (political spectrum) to accept the lifestyle, cultural and historical identity of another part of the population. Today, such nihilism is typical not only for the majority, but also for individual members of minority groups, who try to impose its code of conduct and worldviews on the majority. This is aggravated by imperfections in the legislative framework, authorities' unwillingness to recognise the problem, connivance and sometimes direct support of radical nationalist policies, reluctance (with the exception of Ukraine) to recognise the existence of national minorities and the existence of large-scale hate crimes, since these statistics are usually concealed behind the general rate of domestic offenses.

Of course, it is hard to overestimate the government's role in this process. Let us look at Hungary. Interestingly, when (during 2011–2012) the Hungarian government realised the danger of radical nationalism if not to society then to its own positions and reputation inside the EU, the situation began to change: anti-Roma attacks were almost completely eliminated, Hungarian police launched appropriate trainings, Nazi criminals started to be publicly prosecuted, criminal responsibility for Holocaust denial has been introduced, and so on. Correspondingly, the overall level of nationalism had decreased. Conditional relationship between the intensity of political statements aimed against a specific religious, ethnic or other group and the growth of xenophobia against that group can be traced in virtually any country, and vice versa — statements aimed against radicals that destabilise and violate social cohesion and statements supporting certain minorities decrease the level of xenophobia.

Russia is the best example in this situation. Despite the high level of migrantophobia and the legal shortcomings, Russia only occupies the eleventh place in the ranking, showing better results not only compared to Ukraine and Hungary, but also compared to France, UK, Moldova, Bulgaria, Romania and the Baltics. Russian government clearly stated its opposition to radical nationalism in this multinational country. They actively apply anti-extremist articles of the Criminal Code, which are used in sentencing hundreds of hate crime offenders every year. Russian radical nationalist parties and groups are unable to operate freely, the government not only unequivocally favours the preservation of ethnic and religious peace, but also has a national policy development strategy with tough response to any manifestations of radical nationalism, including among the minorities. On the other hand, as soon as Russian authorities allowed the development of homophobic sentiments with the adoption of the law against “propaganda of homosexuality” among minors, the level of xenophobia against the LGBT community has almost doubled in 2013.¹

¹ <http://wciom.ru/index.php?id=459&uid=114190>

Xenophobic sentiments is undoubtedly the most important factor in the growth of radical nationalism as a socio-political phenomenon. High levels of xenophobia towards indigenous national minorities such as Roma and Jews and towards foreign immigrants is recorded in all monitored countries. The fact that youth is particularly susceptible to high levels of xenophobia is particularly alarming. However, there is one exception — the United Kingdom. Public surveys show that British teenagers, unlike adults, do not support anti-immigrant and anti-Muslim rhetoric. Almost half of British respondents (54%) aged 60 and above would support an anti-immigrant party, while less than a quarter (23%) of respondents aged 18–24 shared this position. 68% of those aged 60 and above would support a party that would put British culture above all others, while the same sentiment was shared by less than a third (32%) of respondents aged 18–24. Similar pattern can also be observed with regard to Muslims. Almost half (49%) of respondents aged 60 and above were ready to support a party that would reduce the number of Muslims in the country, but only 27% of respondents aged 18–24 agreed with this position.¹

This indicates that a whole generation of British young people grew up in multi-ethnic and multi-religious conditions. Unlike their parents, who grew up in different conditions, they did not witness the period of a relatively mono-ethnic society in the United Kingdom of 1960–70s. They attended school with people from various different countries, they see mixed families as normal, they are a product of a long-term tolerance promotion programme in British education and British media. Therefore, there is a model to combat xenophobia in society, although it cannot be said that this problem has been completely solved in the British Isles.

Britain deserves attention in terms of combating hate crime. It is one of the few countries that legally defined a wide range of such crimes. Besides violence, this also includes threatening, humiliating or offensive statements or actions that are either deliberately aimed at, or *could lead to*, incitement of racial hatred or hate speech. This facilitates efforts to prevent more serious offenses. It is also why the United Kingdom has most disappointing official statistics of such crimes. Although, if other countries introduced similar legislation and similar law enforcement practices, this would have greatly affected their statistics as well. In the meantime, most offenses that British law classifies as hate crime, in many other countries does not even fall under the category of criminal acts.

An important point in the struggle against such crime is a policy of transparency. This particularly concerns the crime rate statistics. Practice shows that the most difficult situation in this area is developed in the countries that conceal these statistics. Usually, this includes the classification of hate crime as domestic offenses, reluctance to register such crime, silencing such offenses, etc. United Kingdom can be brought as an example here as well. Since 2008, UK does not just record hate crimes and incidents (i.e.

¹ The Guardian, 16.9.2012 [<http://www.guardian.co.uk/commentisfree/2012/sep/16/far-right-britains-generation-gap>].

offenses that do not fall under the criminal offense category), but also publishes these statistics with detailed description of each offense.¹

This approach is of great importance both in terms of prevention (potential perpetrators are not always aware that they are committing a criminal act) and in terms of combating police misconduct — it is no secret that there is a reverse trend, when corrupt police officers sometimes try to qualify everyday offenses as crimes motivated by racial or other intolerance. In addition, publication of such crime statistics provides for accountability of the government to its constituents.

A significant factor in the fight against hatred are public and state activities aimed at development of tolerance and prevention of extremism. Unfortunately, governments often do not give enough attention to these measures. Therefore, non-governmental organisations play a greater role in this regard, since they are able to organise extensive work with immigrants, hate crime victims and even supporters of neo-Nazi and radical right parties, unlike government agencies. Interestingly, Germany and Russia both have a practice of state funding such NGOs.

The most important factor in the social stability is the policy and law enforcement practice regarding immigrants. Migrant's rights are protected by an international document such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. However, to date, this document has not been signed by any European country that is a recipient of large migration flows. Modern immigration policies are different in every country of this category. While Russian immigration policy is still being developed and is aimed towards general tightening, in EU member states it is orientated towards the “selective migration” strategy, which is defined by three points: (1) selective policy towards immigrants, i.e. favouring highly skilled specialists that are demanded by the local economy; (2) mandatory integration for permanent residents and/or those who enter the country for the purposes of long-term stay, including refugees, (3) tougher fight against illegal immigration.

Effectiveness of this programme can be judged by the level of illegal immigration in the EU, as well the effectiveness of international programmes, which immigrants in many countries do not meet with understanding. A pattern is clear — the more restrictions there are in the process of employment of immigrants and the less chances they have to receive the necessary social support, the more criminalised this environment becomes and the lower the level of public safety and social cohesion. Therefore, it can be stated that EU global policy on regulation of migration flows needs to be improved. There is an obvious need to bring the legislation of individual EU member states in line with the EU Directives on immigration. Furthermore, in the circumstances when the leading countries refuse to join the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, regulation of the European immigration laws is necessary.

¹ <https://www.gov.uk/government/publications/hate-crimes-england-and-wales-2011-to-2012-2/hate-crimes-england-and-wales-2011-to-2012>

A relatively new, but no less important manifestation of hatred is the glorification of Nazism. In essence, this is not even about the revision of the Second World War history, although this also entails the destruction of European stability. The main problem is that glorification of Nazi collaborators leads to further division of society along ethnic lines. Underlying any demonstration of commitment to Nazi collaborationist values is always the incitement of hatred towards those national minorities that were fought by the so-called “heroes.” In Croatia, it is Serbs; in Romania, Moldova, Estonia and Latvia — it is Russians; in Ukraine and Lithuania — it is Russians and Poles, and so on. Glorification of Nazi collaborationists in combination with discriminatory practices against the minorities, as it happens in Latvia and Estonia, leads to the fragmentation of society as well as separation of the political field along ethnic lines — when political forces are divided into parties protecting or opposing minority groups, rather than left or right wings.

Level of political influence and activity of the extreme right parties and groups is also an indicator of radical nationalist threat. Study showed that parties that have representation in the parliament are the most active (Greece, Latvia, Hungary, Ukraine, and others). With rare exceptions, such as in Finland, these parties do not abandon their extra-parliamentary activities once they pass into the representative body. Instead, they skilfully combine both types of activities. Moreover, the parliamentary status gives supporters of such parties confidence in their impunity, which only increases the criminal component of radical nationalist and neo-Nazi actions. Success of radical nationalist parties is defined not only by the presence of anti-defamation legislation, government’s attitude and the law enforcement practices, but also by the objective circumstances — economic climate, immigration flows and the general level of xenophobia in the country.

In 2012, Greece demonstrated a recipe for radical nationalists’ success. Government failures in combating illegal immigration, economic recession that led to job cuts and emergency savings, imperfect anti-defamation legislation and government’s reluctance to see the problem in the growth of radical nationalism — all this resulted in an explosive growth of xenophobia and the success of radical right-wing parties. Supporters of right-wing radicals are generally orientated *against the democratic government system* — the once-popular Greek radical party “LOTOS” lost all its votes as soon as it joined the national unity government. Conversely, Golden Dawn, which came in its place, has increased the number of its supporters by remaining in the opposition and demonstrating its asocial nature. Aggressive and populist campaigns of the Greek neo-Nazis, such as passport checks or “Greek blood” donations, were not met with an adequate government response. On the contrary, these actions found sympathy in the law enforcement. As a result, these strategies led to an increase in their popularity among a large part of the population.

Influence of antifascist organisations on the authorities is a separate topic. Study showed that antifascists remain a marginal and fragmented force in many countries. In some countries, this happens under direct pres-

sure of the government, in order to reduce their influence over society (Baltic States, Finland and a number of others). In a number of countries, such as Greece, the only active antifascist force remaining is the anarchists from “Autonomous Action,” whose methods are not so different from neo-Nazis, which clearly does not help social stability.

From the above, we can draw the following conclusions:

1. The study, especially the identification of levels of radical nationalist threat in different countries, indicates that EU institutions are not yet effective in their struggle against radical nationalism. This threat is underestimated in Brussels as well as other European capitals. Moreover, the European Commission tries to ignore that governments of many countries are supporting radical nationalist values, and parliaments of most EU countries contain parties that profess xenophobia.

2. Nevertheless, there is evidence suggesting that EU leadership is gradually realising the full extent of the problem, as well as its causes — the crisis of traditional nation-state. This is what spawned the European federalisation project, proposed by President of the European Commission José Manuel Barroso. A possible alternative is the further growth of nationalistic tendencies, weakening of European institutions and disintegration of Europe.

3. Attempts to create European-style nation states in Russia, Ukraine, Moldova and other CIS countries is a road into the abyss of a crisis that is already rampant in Europe. For some CIS countries, especially Russia, these attempts risk disintegration of the country and the emergence of a number of traditional nation-states, which can lead to uncontrollable processes on the post-Soviet space.

4. In this situation, international organisations and certain leading countries play a special role. In conditions of weak civil society in countries most susceptible to radical nationalist influence, these organisations and countries still possess the necessary political and economic resources to eliminate nationalists’ socio-political base. In order to achieve this, it is necessary to recognise the danger and introduce a system of measures aimed against radicals’ influence on the government.

WHAT CAN WE DO TODAY TO OPPOSE THE EXTREME RIGHT?

In times of ongoing crises, ideologies of the extremist right seem to find spots in unstable sections of societies in which they can grow and find its supporters.

Although in reality, the goals, the practices and the views of right extremists are contradictory in local, national and continental settings, they are in a first stage aiming at to overthrow democracy in Europe.

A new form of fascism is in the making. Its hard core unfolds the old prejudice, that humanity, liberty and universality are existential enemies of the “traditional” authoritarian order, rooted inside the primordial dominance of races.

Anti-Semitism, Anti-Zyganism and xenophobia are therefore the commonly shared patterns of any right extremist. The new emerging extreme right in Europe is also working against the existing paradigm shift towards an era of multiple modernity’s by reorganising fascism on national and European levels through expressing its effort to restore an ideology of “white supremacy.”

The recent events in Europe are obvious examples of the above thesis. Right extremism is returning! In Greece, Golden Dawn activists are attacking foreign immigrants and get a good portion of the electorate. In France, presidential contender from the National Front received 18 percent of votes in the first round of elections. Hungary demonstrates resurgence of anti-Semitism, resurgence of hate towards Roma peoples, actively promoted by the xenophobic Jobbik party. Mussolini’s political legacy is under new public discourse in Italy, where the fascist ideology is once again revived. Terrorists from the National-Socialist underground have been killing prominent German citizens of Turkish and Greek descent for a long time, while authorities naively ignored these terrible events.

It is time to analyse all possible scientific methods of protection of European values, to create preventative political instruments to promote democracy and strengthen the civil society in the struggle against this evil, before the enemy acquires a solid platform.

1. In 2002, a Hungarian diplomat, Co-Chairman of the International Security Advisory Board for Southeastern Europe in Geneva, István Gyarmati, stated that the extremist right is on the path of revival. The recently published studies

give a clear picture of a sharp increase of this trend. Two of them I would like to mention. First, it is the study by Andreas Zick, Beate Küpper, and Andreas Hövermann of Bielefeld University. Analysing empirical data, they found that about half of respondents from the sample of eight European countries agree that there are “too many immigrants” in their country, and believe that jobs should be given to locals first during recession. One of the most astonishing facts is that “between 17 percent in the Netherlands and more than 70 percent in Poland believe that Jews seek to benefit from their forebears’ suffering during the Nazi era. About one-third of respondents believe there is a natural hierarchy of ethnicity.¹ It is disturbing that viral hate has already infected the centre of societies in the studied countries, there are no specific marginalised groups that carry the ideology of hatred. European society, in its majority expresses itself in “hostile prejudice and social distancing” in regards to immigrant minorities.²

How is that these biases are rooted in European societies? The authors argue that the ideological trinity of “authoritarianism, social dominance and rejection of ethnic and socio-cultural diversity” strengthens the core of intolerance, prejudice and discrimination. Growing sense of anomie leads to a “feeling of subjective lack of influence on policy... in all countries.”³ This syndrome is manifesting against the background of minimisation of civic engagement in political life, due to realisations of their impotence and inability to influence decisions both individually and collectively. Insurmountable distance between the political class and the people is a fertile ground for the extremist right in their existential struggle against democracy, for the establishment of a national democracy and in support of a “strong national leader.”

The second study that I would like to point out is the collective work of Manuela Caiani, Donatella della Porta and Claudius Wagemann, published in 2012 and entitled “Mobilizing on the Extreme Right: Germany, Italy and the United States” (Oxford University Press). The study is based on the materials of eleven conferences since 2006. Authors, analysing social networks, explore the inter-organisational structures within, and finally, analysing protest events, gather information about the real actions of right-wing activists.

Having studied the extreme right toolkit, researchers concluded that neo-Nazis are able to gain popularity in modern society by using the thesis of dividing the world into “us” and “them,” as well as using a method of interpretation of history that reveals a connection between what “is” and what “will” be in the vision of same extreme right. “Is” is a thesis that is obvious to many, such as “too many immigrants in the country.” “Will” is a statement of future prognosis — “in a couple of years the number of immigrants will exceed the number of newborn citizens.” Finally, right-wing radicals introduce another instrument into this historical discourse — “should” — which is what needs to be done to avoid a “collapse.”⁴ Both parties, subject and object, use these

¹ “Intolerance, Prejudice and Discrimination. A European Report, 2011 FES Forum Berlin, p. 13.

² *Ibid*, p. 161.

³ *Ibid*, p. 164.

⁴ “Mobilizing on the Extreme Right. Germany, Italy and the United States,” Oxford University Press, 2012, pp. 25–26.

stable elements in their understanding and in their favour. In Germany, Italy, and the United States the extreme right matrix differs only in cultural terms, because of the diversity of respective laws, discursive opportunities, etc.

In the conclusion, authors characterise right-wing radicals as a “criticism of modernity, as a ... reaction against the principle of equality.”¹ The extreme right today adopts a fascist tradition of “racism as exclusion” coupled with nativism (doctrine of superiority of citizens born in the country over the immigrants) as an “ideology that holds that states should be inhabited exclusively by members of the native group (‘the nation’).”²

2. The ongoing crisis has revealed weaknesses in the management capacity of current political institutions. They suffer from a general decline in confidence levels. Unrest is gaining momentum, governments are weakening, elements of the former system of separation of power are disappearing, organisations, political parties are equally in turbulence, on the waves of indignation fall into apathy, sometimes simultaneously. Rebellious marginal groups stand in path of collision with the popular opinion, while violating the basic rules of decency, and society, respectively, feels threatened. Fear and anxiety in public consciousness is a clear signal that the cultural code of society is in danger.

The time comes when right-wing radicalism is winning the hearts and minds of the “oppressed” peoples. A “classing politician” in this situation becomes a traitor, and a true guardian of nation’s will and national interests — is an extreme right politician — this is their “argument.” How strong is this “argument”? And how can you find the tools to mobilise the social centres of democratic states against this existential enemy? How to stop the extreme right that is attacking?

Manuela Caiani, Donatella della Porta and Claudius Wagemann, summarising their joint study, revealed the following based on their frame analysis:

“First, we can observe that identity frames present the extreme right as a ‘persecuted elite’ that aims at protecting the weak people.

Second, oppositional frames define the powerful but ‘corrupt’ outsiders that range from the holders of modern values to ethnic minorities defined as barbarian.

Third, prognostic frames can be summarised as the cultural, social and political consequence of modernity in the new version of a globalized society.

Fourth, the diagnostic frames aim at the return to the ‘old and pure traditions’, mixing revolutionary motivated appeals with more pragmatic pressures upon the moderate right.”³

Today, extreme right often finds its expression through modernised forms such as elements of rock music, and others. These forms of expression conceal the presence of violence in their morality, their desire to destroy the European values of freedom, justice, solidarity and replace the constitutional frames of democracy with an elitist revolution and dictatorship.

¹ “Mobilizing on the Extreme Right. Germany, Italy and the United States,” Oxford University Press, 2012, p. 207.

² Cas Mudde “Populist Radical Right Parties in Europe,” Cambridge: Cambridge University Press, 2007, p. 19.

³ “Mobilizing on the Extreme Right. Germany, Italy and the United States,” Oxford University Press, 2012, p. 208.

Contradictions are evident — authoritarianism against defiance and rebellion, traditionalism against futurism, and this chain of contradictions can expand further.

Meanwhile, extreme right groups are attempting to combine the overlapping of nationalists representing different nations. But here again their concept of aggressive nationalism falls into the trap of their own exclusiveness.

What lessons are to be learned from modern history? Andreas Zick, Beate Küpper, and Andreas Hövermann concluded in their study that “struggle for equality should hold first place in Europe.” They believe, “if citizens’ political orientations can no longer be integrated within the political system (or citizens no longer find a place in the established political system for their orientations) then not only is prejudice close at hand, as the correlations show, but also openness to extremist political groups.” That at least is our fear.

Authors offer some practical steps to improve the situation. First, European Union should commission continuous scientifically independent monitoring of right-wing extremist and populist opinions and intentions across Europe.¹

Second, “concerns and fears of European majority populations” should be taken seriously, which means acknowledging the threat they pose to a democracy built on tolerance and pluralism. They must be tackled by reducing mutual fears and suspicions rather than demanding stricter laws against minorities.”

What is really important right now, is a clear understanding of background and causes of prejudice, emotions, intentions and all that contributes to these phenomena. Studies in European countries identified numerous identical causes for prejudice in Europe, against which, obviously, joint measures need to be developed.

Two groups should be distinguished: individual causes, which bind people to groups and describe an individual collective disposition, and contextual causes located in circumstances outside the individual.

Authors of the cited study rightly assert that there is a real need for “joint efforts to establish attitudes that are positive about equality” In order to promote equality we need more acceptance of cultural difference (rather than rejection of multiculturalism), less authoritarian attitudes and behaviour and more support for horizontal rather than vertical structures in society.²

The study showed that the “main contextual conditions that make people susceptible to prejudiced opinions are a low level of education, low income in a low-income region and a culture where prejudices as a whole are more widespread.”³

European identity alone is not enough to prevent hostile discriminatory intentions. Europeans’ great pessimism about the prospects for intercultural coexistence will hamper efforts to integrate all citizens in individual countries and across the European Union.

Results of the study demonstrate the importance of intervention and prevention strategies for combating group-focused enmity directed against “the others.”

¹ Ibid, pp. 165–166.

² Ibid, p. 167.

³ Ibid, p. 167–168.

3. Analysing these two studies, I would like to note three points.

(1) Gains of the extreme right are not limited by the support they receive in elections. Extreme right ideology is gradually spreading among all sections of society. This is no longer the ideology of marginal and declassed elements. Its traces can be found in many different mentalities, popular attitudes, stereotypes and prejudices.

(2) Centre-right parties are tempted to adopt some extreme right prejudices in order to tactfully stop them from spreading. Thus, the centre-right only confirm their ideology and facilitate its spread.

(3) Liberal democracy in its reduced functional format is subject to change towards post-democracy. A possible triumph of functionalism can turn into technocratic efficiency, but an empty shell of democracy. If legitimacy is destroyed, then post-democracy may be too weak to fight against its existential enemy.

What will we come to?

Will nationalism as a distorted cultural strategy revive the values and restore the historically formed perception of the “idea of unity” against the prevailing “otherness”?

As convincingly noted by a German philosopher and sociologist Jurgen Habermas in his essay on Europe’s Constitution, Immanuel Kant’s idea of perpetual peace has been and remains one of the most precisely defined objectives of the European Union, and through this understanding the EU implements a decisive step towards politically formed world order.

I share Jurgen Habermas’ idea that to secure the legitimacy of democratic foundations through reform in a developing cosmopolitan era, we need new mechanisms, need cooperation, need to involve all participants in an open dialogue. But his vision of a transnational democracy contradicts the real state of affairs, which becomes apparent at the meetings between the leaders of EU member states. Current challenges require new responses that are needed to manage global conflicts.

Singularity of EU’s historical experience as a unique structure tends to confirm the possibility that transformation of democracy can provide the necessary assistance in the creation of a harmonious society.

Leading practice in preventing the strengthening of extreme right positions in the political arena is the reform of democratic institutes, revival of our European values in order to open unprecedented access to cultural, social and political participation of all citizens, to cooperation mutual cooperation towards the recovery of our society.

*Gert Weisskirchen,¹
Presidium member, HRM “World Without Nazism”.*

¹ Gert Weisskirchen — famous German politician, long-time member of the Bundestag from the Social Democratic Party of Germany (1976–2009), Chairman of the SDP parliamentary faction in 1980–83, Vice President of PACE in 2005, Personal Representative of the OSCE chairman on anti-Semitism in 2005–2008 — *editor’s note.*

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WHITE PAPERS OF HATE 2012

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